
HOUSE BILL 1734

State of Washington 60th Legislature 2007 Regular Session

By Representatives Haigh, Chandler, McDermott, Hunt, Armstrong, Kretz and Ormsby

Read first time 01/26/2007. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to reorganizing campaign contribution and
2 disclosure laws; amending RCW 42.17.020, 42.17.367, 42.17.369,
3 42.17.461, 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690,
4 42.17.375, 42.17.380, 42.17.405, 42.17.420, 42.17.450, 42.17.030,
5 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080,
6 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105,
7 42.17.550, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.135,
8 42.17.510, 42.17.520, 42.17.540, 42.17.110, 42.17.610, 42.17.640,
9 42.17.070, 42.17.095, 42.17.125, 42.17.660, 42.17.720, 42.17.740,
10 42.17.790, 42.17.680, 42.17.130, 42.17.245, 42.17.150, 42.17.155,
11 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190,
12 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.2401,
13 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397, and 42.17.400;
14 adding a new section to chapter 42.56 RCW; adding a new chapter to
15 Title 42 RCW; creating new sections; recodifying RCW 42.17.010,
16 42.17.035, 42.17.020, 42.17.367, 42.17.369, 42.17.460, 42.17.461,
17 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.375,
18 42.17.380, 42.17.405, 42.17.420, 42.17.430, 42.17.450, 42.17.030,
19 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080,
20 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105,
21 42.17.550, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.135,

1 42.17.510, 42.17.520, 42.17.530, 42.17.540, 42.17.110, 42.17.610,
2 42.17.640, 42.17.645, 42.17.700, 42.17.070, 42.17.095, 42.17.120,
3 42.17.125, 42.17.650, 42.17.660, 42.17.670, 42.17.720, 42.17.730,
4 42.17.740, 42.17.770, 42.17.780, 42.17.790, 42.17.680, 42.17.760,
5 42.17.128, 42.17.130, 42.17.710, 42.17.750, 42.17.245, 42.17.150,
6 42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180,
7 42.17.190, 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240,
8 42.17.2401, 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397,
9 42.17.400, 42.17.410, 42.17.900, 42.17.910, 42.17.911, 42.17.912,
10 42.17.920, 42.17.930, 42.17.940, 42.17.945, 42.17.950, 42.17.955,
11 42.17.960, 42.17.961, 42.17.962, 42.17.963, 42.17.964, 42.17.965, and
12 42.17.966; repealing RCW 42.17.131, 42.17.362, 42.17.365, 42.17.440,
13 42.17.465, 42.17.467, 42.17.469, 42.17.471, 42.17.562, 42.17.620, and
14 42.17.647; and providing an effective date.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

16 NEW SECTION. **Sec. 1.** It is the intent of the legislature that
17 chapter 42.17 RCW be reorganized and clarified. It is not the intent
18 of this act to make any substantive changes to chapter 42.17 RCW.

19 **PART 1**

20 **GENERAL PROVISIONS**

21 **Sec. 101.** RCW 42.17.020 and 2005 c 445 s 6 are each amended to
22 read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Actual malice" means to act with knowledge of falsity or with
26 reckless disregard as to truth or falsity.

27 (2) "Agency" includes all state agencies and all local agencies.
28 "State agency" includes every state office, department, division,
29 bureau, board, commission, or other state agency. "Local agency"
30 includes every county, city, town, municipal corporation, quasi-
31 municipal corporation, or special purpose district, or any office,
32 department, division, bureau, board, commission, or agency thereof, or
33 other local public agency.

1 (3) "Authorized committee" means the political committee authorized
2 by a candidate, or by the public official against whom recall charges
3 have been filed, to accept contributions or make expenditures on behalf
4 of the candidate or public official.

5 (4) "Ballot proposition" means any "measure" as defined by RCW
6 29A.04.091, or any initiative, recall, or referendum proposition
7 proposed to be submitted to the voters of the state or any municipal
8 corporation, political subdivision, or other voting constituency from
9 and after the time when the proposition has been initially filed with
10 the appropriate election officer of that constituency (~~prior to~~)
11 before its circulation for signatures.

12 (5) "Benefit" means a commercial, proprietary, financial, economic,
13 or monetary advantage, or the avoidance of a commercial, proprietary,
14 financial, economic, or monetary disadvantage.

15 (6) "Bona fide political party" means:

16 (a) An organization that has filed a valid certificate of
17 nomination with the secretary of state under chapter 29A.20 RCW;

18 (b) The governing body of the state organization of a major
19 political party, as defined in RCW 29A.04.086, that is the body
20 authorized by the charter or bylaws of the party to exercise authority
21 on behalf of the state party; or

22 (c) The county central committee or legislative district committee
23 of a major political party. There may be only one legislative district
24 committee for each party in each legislative district.

25 (7) "Depository" means a bank (~~designated by a candidate or~~
26 ~~political committee pursuant to RCW 42.17.050~~), mutual savings bank,
27 savings and loan association, or credit union doing business in this
28 state.

29 (8) "Treasurer" and "deputy treasurer" mean the individuals
30 appointed by a candidate or political committee, pursuant to RCW
31 42.17.050 (as recodified by this act), to perform the duties specified
32 in that section.

33 (9) "Candidate" means any individual who seeks nomination for
34 election or election to public office. An individual seeks nomination
35 or election when he or she first:

36 (a) Receives contributions or makes expenditures or reserves space
37 or facilities with intent to promote his or her candidacy for office;

38 (b) Announces publicly or files for office;

1 (c) Purchases commercial advertising space or broadcast time to
2 promote his or her candidacy; or

3 (d) Gives his or her consent to another person to take on behalf of
4 the individual any of the actions in (a) or (c) of this subsection.

5 (10) "Caucus political committee" means a political committee
6 organized and maintained by the members of a major political party in
7 the ((state)) senate or ((state)) house of representatives.

8 (11) "Commercial advertiser" means any person who sells the service
9 of communicating messages or producing printed material for broadcast
10 or distribution to the general public or segments of the general public
11 whether through the use of newspapers, magazines, television and radio
12 stations, billboard companies, direct mail advertising companies,
13 printing companies, or otherwise.

14 (12) "Commission" means the agency established under RCW 42.17.350
15 (as recodified by this act).

16 (13) "Compensation" unless the context requires a narrower meaning,
17 includes payment in any form for real or personal property or services
18 of any kind(~~(:—PROVIDED, That)~~). For the purpose of compliance with
19 RCW 42.17.241 (as recodified by this act), ~~((the term))~~ "compensation"
20 ~~((shall))~~ does not include per diem allowances or other payments made
21 by a governmental entity to reimburse a public official for expenses
22 incurred while the official is engaged in the official business of the
23 governmental entity.

24 (14) "Continuing political committee" means a political committee
25 that is an organization of continuing existence not established in
26 anticipation of any particular election campaign.

27 (15)(a) "Contribution" includes:

28 (i) A loan, gift, deposit, subscription, forgiveness of
29 indebtedness, donation, advance, pledge, payment, transfer of funds
30 between political committees, or anything of value, including personal
31 and professional services for less than full consideration;

32 (ii) An expenditure made by a person in cooperation, consultation,
33 or concert with, or at the request or suggestion of, a candidate, a
34 political committee, or their agents;

35 (iii) The financing by a person of the dissemination, distribution,
36 or republication, in whole or in part, of broadcast, written, graphic,
37 or other form of political advertising or electioneering communication

1 prepared by a candidate, a political committee, or its authorized
2 agent;

3 (iv) Sums paid for tickets to fund-raising events such as dinners
4 and parties, except for the actual cost of the consumables furnished at
5 the event.

6 (b) "Contribution" does not include:

7 (i) Standard interest on money deposited in a political committee's
8 account;

9 (ii) Ordinary home hospitality;

10 (iii) A contribution received by a candidate or political committee
11 that is returned to the contributor within five business days of the
12 date on which it is received by the candidate or political committee;

13 (iv) A news item, feature, commentary, or editorial in a regularly
14 scheduled news medium that is of primary interest to the general
15 public, that is in a news medium controlled by a person whose business
16 is that news medium, and that is not controlled by a candidate or a
17 political committee;

18 (v) An internal political communication primarily limited to the
19 members of or contributors to a political party organization or
20 political committee, or to the officers, management staff, or
21 stockholders of a corporation or similar enterprise, or to the members
22 of a labor organization or other membership organization;

23 (vi) The rendering of personal services of the sort commonly
24 performed by volunteer campaign workers, or incidental expenses
25 personally incurred by volunteer campaign workers not in excess of
26 fifty dollars personally paid for by the worker. "Volunteer services,"
27 for the purposes of this (~~section~~) subsection, means services or
28 labor for which the individual is not compensated by any person;

29 (vii) Messages in the form of reader boards, banners, or yard or
30 window signs displayed on a person's own property or property occupied
31 by a person. However, a facility used for such political advertising
32 for which a rental charge is normally made must be reported as an in-
33 kind contribution and counts towards any applicable contribution limit
34 of the person providing the facility;

35 (viii) Legal or accounting services rendered to or on behalf of:

36 (A) A political party or caucus political committee if the person
37 paying for the services is the regular employer of the person rendering
38 such services; or

1 (B) A candidate or an authorized committee if the person paying for
2 the services is the regular employer of the individual rendering the
3 services and if the services are solely for the purpose of ensuring
4 compliance with state election or public disclosure laws.

5 (c) Contributions other than money or its equivalent are deemed to
6 have a monetary value equivalent to the fair market value of the
7 contribution. Services or property or rights furnished at less than
8 their fair market value for the purpose of assisting any candidate or
9 political committee are deemed a contribution. Such a contribution
10 must be reported as an in-kind contribution at its fair market value
11 and counts towards any applicable contribution limit of the provider.

12 (16) "Elected official" means any person elected at a general or
13 special election to any public office, and any person appointed to fill
14 a vacancy in any such office.

15 (17) "Election" includes any primary, general, or special election
16 for public office and any election in which a ballot proposition is
17 submitted to the voters(~~(; PROVIDED, That)~~). An election in which the
18 qualifications for voting include other than those requirements set
19 forth in Article VI, section 1 (Amendment 63) of the Constitution of
20 the state of Washington shall not be considered an election for
21 purposes of this chapter.

22 (18) "Election campaign" means any campaign in support of or in
23 opposition to a candidate for election to public office and any
24 campaign in support of, or in opposition to, a ballot proposition.

25 (19) "Election cycle" means the period beginning on the first day
26 of December after the date of the last previous general election for
27 the office that the candidate seeks and ending on November 30th after
28 the next election for the office. In the case of a special election to
29 fill a vacancy in an office, "election cycle" means the period
30 beginning on the day the vacancy occurs and ending on November 30th
31 after the special election.

32 (20) "Electioneering communication" means any broadcast, cable, or
33 satellite television or radio transmission, United States postal
34 service mailing, billboard, newspaper, or periodical that:

35 (a) Clearly identifies a candidate for a state, local, or judicial
36 office either by specifically naming the candidate, or identifying the
37 candidate without using the candidate's name;

1 (b) Is broadcast, transmitted, mailed, erected, distributed, or
2 otherwise published within sixty days before any election for that
3 office in the jurisdiction in which the candidate is seeking election;
4 and

5 (c) Either alone, or in combination with one or more communications
6 identifying the candidate by the same sponsor during the sixty days
7 before an election, has a fair market value of five thousand dollars or
8 more.

9 (21) "Electioneering communication" does not include:

10 (a) Usual and customary advertising of a business owned by a
11 candidate, even if the candidate is mentioned in the advertising when
12 the candidate has been regularly mentioned in that advertising
13 appearing at least twelve months preceding his or her becoming a
14 candidate;

15 (b) Advertising for candidate debates or forums when the
16 advertising is paid for by or on behalf of the debate or forum sponsor,
17 so long as two or more candidates for the same position have been
18 invited to participate in the debate or forum;

19 (c) A news item, feature, commentary, or editorial in a regularly
20 scheduled news medium that is:

21 (i) Of primary interest to the general public;

22 (ii) In a news medium controlled by a person whose business is that
23 news medium; and

24 (iii) Not a medium controlled by a candidate or a political
25 committee;

26 (d) Slate cards and sample ballots;

27 (e) Advertising for books, films, dissertations, or similar works
28 (i) written by a candidate when the candidate entered into a contract
29 for such publications or media at least twelve months before becoming
30 a candidate, or (ii) written about a candidate;

31 (f) Public service announcements;

32 (g) A mailed internal political communication primarily limited to
33 the members of or contributors to a political party organization or
34 political committee, or to the officers, management staff, or
35 stockholders of a corporation or similar enterprise, or to the members
36 of a labor organization or other membership organization;

37 (h) An expenditure by or contribution to the authorized committee
38 of a candidate for state, local, or judicial office; or

1 (i) Any other communication exempted by the commission through rule
2 consistent with the intent of this chapter.

3 (22) "Expenditure" includes a payment, contribution, subscription,
4 distribution, loan, advance, deposit, or gift of money or anything of
5 value, and includes a contract, promise, or agreement, whether or not
6 legally enforceable, to make an expenditure. ((The—term))
7 "Expenditure" also includes a promise to pay, a payment, or a transfer
8 of anything of value in exchange for goods, services, property,
9 facilities, or anything of value for the purpose of assisting,
10 benefiting, or honoring any public official or candidate, or assisting
11 in furthering or opposing any election campaign. For the purposes of
12 this chapter, agreements to make expenditures, contracts, and promises
13 to pay may be reported as estimated obligations until actual payment is
14 made. ((The—term)) "Expenditure" shall not include the partial or
15 complete repayment by a candidate or political committee of the
16 principal of a loan, the receipt of which loan has been properly
17 reported.

18 (23) "Final report" means the report described as a final report in
19 RCW 42.17.080(2) (as recodified by this act).

20 (24) "General election" for the purposes of RCW 42.17.640 (as
21 recodified by this act) means the election that results in the election
22 of a person to a state office. It does not include a primary.

23 (25) "Gift((₇))" ((is—as—defined)) has the definition in RCW
24 42.52.010.

25 (26) "Immediate family" includes the spouse, dependent children,
26 and other dependent relatives, if living in the household. For the
27 purposes of RCW 42.17.640 through 42.17.790 (as recodified by this
28 act), "immediate family" means an individual's spouse, and child,
29 stepchild, grandchild, parent, stepparent, grandparent, brother, half
30 brother, sister, or half sister of the individual and the spouse of any
31 such person and a child, stepchild, grandchild, parent, stepparent,
32 grandparent, brother, half brother, sister, or half sister of the
33 individual's spouse and the spouse of any such person.

34 (27) "Incumbent" means a person who is in present possession of an
35 elected office.

36 (28) "Independent expenditure" means an expenditure that has each
37 of the following elements:

1 (a) It is made in support of or in opposition to a candidate for
2 office by a person who is not (i) a candidate for that office, (ii) an
3 authorized committee of that candidate for that office, (iii) a person
4 who has received the candidate's encouragement or approval to make the
5 expenditure, if the expenditure pays in whole or in part for political
6 advertising supporting that candidate or promoting the defeat of any
7 other candidate or candidates for that office, or (iv) a person with
8 whom the candidate has collaborated for the purpose of making the
9 expenditure, if the expenditure pays in whole or in part for political
10 advertising supporting that candidate or promoting the defeat of any
11 other candidate or candidates for that office;

12 (b) The expenditure pays in whole or in part for political
13 advertising that either specifically names the candidate supported or
14 opposed, or clearly and beyond any doubt identifies the candidate
15 without using the candidate's name; and

16 (c) The expenditure, alone or in conjunction with another
17 expenditure or other expenditures of the same person in support of or
18 opposition to that candidate, has a value of (~~five~~) seven hundred
19 dollars or more. A series of expenditures, each of which is under
20 (~~five~~) seven hundred dollars, constitutes one independent expenditure
21 if their cumulative value is (~~five~~) seven hundred dollars or more.

22 (29)(a) "Intermediary" means an individual who transmits a
23 contribution to a candidate or committee from another person unless the
24 contribution is from the individual's employer, immediate family as
25 defined for purposes of RCW 42.17.640 through 42.17.790 (as recodified
26 by this act), or an association to which the individual belongs.

27 (b) A treasurer or a candidate is not an intermediary for purposes
28 of the committee that the treasurer or candidate serves.

29 (c) A professional fund-raiser is not an intermediary if the fund-
30 raiser is compensated for fund-raising services at the usual and
31 customary rate.

32 (d) A volunteer hosting a fund-raising event at the individual's
33 home is not an intermediary for purposes of that event.

34 (30) "Legislation" means bills, resolutions, motions, amendments,
35 nominations, and other matters pending or proposed in either house of
36 the state legislature, and includes any other matter that may be the
37 subject of action by either house or any committee of the legislature

1 and all bills and resolutions that, having passed both houses, are
2 pending approval by the governor.

3 (31) "Lobby" and "lobbying" each mean attempting to influence the
4 passage or defeat of any legislation by the legislature of the state of
5 Washington, or the adoption or rejection of any rule, standard, rate,
6 or other legislative enactment of any state agency under the state
7 administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor
8 "lobbying" includes an association's or other organization's act of
9 communicating with the members of that association or organization.

10 (32) "Lobbyist" includes any person who lobbies either in his or
11 her own or another's behalf.

12 (33) "Lobbyist's employer" means the person or persons by whom a
13 lobbyist is employed and all persons by whom he or she is compensated
14 for acting as a lobbyist.

15 (34) "Participate" means that, with respect to a particular
16 election, an entity:

17 (a) Makes either a monetary or in-kind contribution to a candidate;

18 (b) Makes an independent expenditure or electioneering
19 communication in support of or opposition to a candidate;

20 (c) Endorses a candidate (~~(prior to)~~) before contributions being
21 made by a subsidiary corporation or local unit with respect to that
22 candidate or that candidate's opponent;

23 (d) Makes a recommendation regarding whether a candidate should be
24 supported or opposed (~~(prior to)~~) before a contribution being made by
25 a subsidiary corporation or local unit with respect to that candidate
26 or that candidate's opponent; or

27 (e) Directly or indirectly collaborates or consults with a
28 subsidiary corporation or local unit on matters relating to the support
29 of or opposition to a candidate, including, but not limited to, the
30 amount of a contribution, when a contribution should be given, and what
31 assistance, services or independent expenditures, or electioneering
32 communications, if any, will be made or should be made in support of or
33 opposition to a candidate.

34 (35) "Person" includes an individual, partnership, joint venture,
35 public or private corporation, association, federal, state, or local
36 governmental entity or agency however constituted, candidate,
37 committee, political committee, political party, executive committee

1 (42) "Recall campaign" means the period of time beginning on the
2 date of the filing of recall charges under RCW 29A.56.120 and ending
3 thirty days after the recall election.

4 (43) "Sponsor of an electioneering communications, independent
5 expenditures, or political advertising" means the person paying for the
6 electioneering communication, independent expenditure, or political
7 advertising. If a person acts as an agent for another or is reimbursed
8 by another for the payment, the original source of the payment is the
9 sponsor.

10 (44) "~~((State))~~ Legislative office" means the office of a member of
11 the ~~((state))~~ house of representatives or the office of a member of the
12 ~~((state))~~ senate.

13 (45) "State office" means ~~((state))~~ legislative office or the
14 office of governor, lieutenant governor, secretary of state, attorney
15 general, commissioner of public lands, insurance commissioner,
16 superintendent of public instruction, state auditor, or state
17 treasurer.

18 (46) "State official" means a person who holds a state office.

19 (47) "Surplus funds" mean, in the case of a political committee or
20 candidate, the balance of contributions that remain in the possession
21 or control of that committee or candidate subsequent to the election
22 for which the contributions were received, and that are in excess of
23 the amount necessary to pay remaining debts incurred by the committee
24 or candidate ~~((prior to))~~ before that election. In the case of a
25 continuing political committee, "surplus funds" mean those
26 contributions remaining in the possession or control of the committee
27 that are in excess of the amount necessary to pay all remaining debts
28 when it makes its final report under RCW 42.17.065 (as recodified by
29 this act).

30 ~~((48)) "Writing" means handwriting, typewriting, printing,~~
31 ~~photostating, photographing, and every other means of recording any~~
32 ~~form of communication or representation, including, but not limited to,~~
33 ~~letters, words, pictures, sounds, or symbols, or combination thereof,~~
34 ~~and all papers, maps, magnetic or paper tapes, photographic films and~~
35 ~~prints, motion picture, film and video recordings, magnetic or punched~~
36 ~~cards, discs, drums, diskettes, sound recordings, and other documents~~
37 ~~including existing data compilations from which information may be~~
38 ~~obtained or translated.~~

1 ~~As used in this chapter, the singular shall take the plural and any~~
2 ~~gender, the other, as the context requires.)~~

3 **PART 2**
4 **ELECTRONIC ACCESS**

5 **Sec. 201.** RCW 42.17.367 and 1999 c 401 s 9 are each amended to
6 read as follows:

7 ~~((By February 1, 2000,))~~ The commission shall operate a web site or
8 contract for the operation of a web site that allows access to reports,
9 copies of reports, or copies of data and information submitted in
10 reports, filed with the commission under RCW 42.17.040, 42.17.065,
11 42.17.080, 42.17.100, and 42.17.105 (as recodified by this act). ~~((By~~
12 ~~January 1, 2001,))~~ The web site shall allow access to reports, copies
13 of reports, or copies of data and information submitted in reports,
14 filed with the commission under RCW 42.17.150, 42.17.170, 42.17.175,
15 and 42.17.180 (as recodified by this act). In addition, the commission
16 shall attempt to make available via the web site other public records
17 submitted to or generated by the commission that are required by this
18 chapter to be available for public use or inspection.

19 **Sec. 202.** RCW 42.17.369 and 2000 c 237 s 3 are each amended to
20 read as follows:

21 (1) ~~((By July 1, 1999,))~~ The commission shall make available to
22 candidates, public officials, and political committees that are
23 required to file reports under this chapter an electronic filing
24 alternative for submitting financial affairs reports, contribution
25 reports, and expenditure reports(~~(, including but not limited to filing~~
26 ~~by diskette, modem, satellite, or the Internet))~~).

27 (2) ~~((By January 1, 2002,))~~ The commission shall make available to
28 lobbyists and lobbyists' employers required to file reports under RCW
29 42.17.150, 42.17.170, 42.17.175, or 42.17.180 (as recodified by this
30 act) an electronic filing alternative for submitting these reports
31 ~~((including but not limited to filing by diskette, modem, satellite, or~~
32 ~~the Internet))~~).

33 (3) The commission shall make available to candidates, public
34 officials, political committees, lobbyists, and lobbyists' employers an
35 electronic copy of the appropriate reporting forms at no charge.

1 **Sec. 203.** RCW 42.17.461 and 2000 c 237 s 5 are each amended to
2 read as follows:

3 ~~((1))~~ The commission shall establish goals that all reports,
4 copies of reports, or copies of the data or information included in
5 reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100,
6 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180 (as
7 recodified by this act), that are:

8 ~~((a) Submitted using the commission's electronic filing system~~
9 ~~shall be accessible in the commission's office within two business days~~
10 ~~of the commission's receipt of the report and shall be accessible on~~
11 ~~the commission's web site within seven business days of the~~
12 ~~commission's receipt of the report; and~~

13 ~~(b) Submitted in any format or using any method other than as~~
14 ~~described in (a) of this subsection, shall be accessible in the~~
15 ~~commission's office within four business days of the actual physical~~
16 ~~receipt of the report, and not the technical date of filing as provided~~
17 ~~under RCW 42.17.420, and shall be accessible on the commission's web~~
18 ~~site within fourteen business days of the actual physical receipt of~~
19 ~~the report, and not the technical date of filing as provided under RCW~~
20 ~~42.17.420, as specified in rule adopted by the commission.~~

21 ~~(2) On January 1, 2001, or shortly thereafter, the commission shall~~
22 ~~revise these goals to reflect that all reports, copies of reports, or~~
23 ~~copies of the data or information included in reports, filed under RCW~~
24 ~~42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150,~~
25 ~~42.17.170, 42.17.175, and 42.17.180, that are:~~

26 ~~(a) Submitted using the commission's electronic filing system shall~~
27 ~~be accessible in the commission's office within two business days of~~
28 ~~the commission's receipt of the report and on the commission's web site~~
29 ~~within four business days of the commission's receipt of the report;~~
30 ~~and~~

31 ~~(b) Submitted in any format or using any method other than as~~
32 ~~described in (a) of this subsection, shall be accessible in the~~
33 ~~commission's office within four business days of the actual physical~~
34 ~~receipt of the report, and not the technical date of filing as provided~~
35 ~~under RCW 42.17.420, and on the commission's web site within seven~~
36 ~~business days of the actual physical receipt of the report, and not the~~
37 ~~technical date of filing as provided under RCW 42.17.420, as specified~~
38 ~~in rule adopted by the commission.~~

1 ~~(3) On January 1, 2002, or shortly thereafter, the commission shall~~
2 ~~revise these goals to reflect that all reports, copies of reports, or~~
3 ~~copies of the data or information included in reports, filed under RCW~~
4 ~~42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150,~~
5 ~~42.17.170, 42.17.175, and 42.17.180, that are:~~

6 ~~(a))~~ (1) Submitted using the commission's electronic filing system
7 must be accessible in the commission's office and on the commission's
8 web site within two business days of the commission's receipt of the
9 report; and

10 ~~((b))~~ (2) Submitted in any format or using any method other than
11 as described in ~~((a) of this))~~ subsection (1) of this section, must be
12 accessible in the commission's office and on the commission's web site
13 within four business days of the actual physical receipt of the report,
14 and not the technical date of filing as provided under RCW 42.17.420
15 (as recodified by this act), as specified in rule adopted by the
16 commission.

17 **Sec. 204.** RCW 42.17.463 and 1999 c 401 s 3 are each amended to
18 read as follows:

19 By July 1st of each year ~~((beginning in 2000))~~, the commission
20 shall calculate the following performance measures, provide a copy of
21 the performance measures to the governor and appropriate legislative
22 committees, and make the performance measures available to the public:

23 (1) The average number of days that elapse between the commission's
24 receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and
25 42.17.100 (as recodified by this act) and the time that the report, a
26 copy of the report, or a copy of the data or information included in
27 the report, is first accessible to the general public (a) in the
28 commission's office, and (b) via the commission's web site;

29 (2) The average number of days that elapse between the commission's
30 receipt of reports filed under RCW 42.17.105 (as recodified by this
31 act) and the time that the report, a copy of the report, or a copy of
32 the data or information included in the report, is first accessible to
33 the general public (a) in the commission's office, and (b) via the
34 commission's web site;

35 (3) The average number of days that elapse between the commission's
36 receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and
37 42.17.180 (as recodified by this act) and the time that the report, a

1 copy of the report, or a copy of the data or information included in
2 the report, is first accessible to the general public (a) in the
3 commission's office, and (b) via the commission's web site;

4 (4) The percentage of candidates, categorized as statewide,
5 (~~state~~) legislative, or local, that have used each of the following
6 methods to file reports under RCW 42.17.080 or 42.17.105 (as recodified
7 by this act): (a) Hard copy paper format; (b) electronic format via
8 diskette; (c) electronic format via modem or satellite; (d) electronic
9 format via the Internet; and (e) any other format or method;

10 (5) The percentage of continuing political committees that have
11 used each of the following methods to file reports under RCW 42.17.065
12 or 42.17.105 (as recodified by this act): (a) Hard copy paper format;
13 (b) electronic format via diskette; (c) electronic format via modem or
14 satellite; (d) electronic format via the Internet; and (e) any other
15 format or method; and

16 (6) The percentage of lobbyists and lobbyists' employers that have
17 used each of the following methods to file reports under RCW 42.17.150,
18 42.17.170, 42.17.175, or 42.17.180 (as recodified by this act): (a)
19 Hard copy paper format; (b) electronic format via diskette; (c)
20 electronic format via modem or satellite; (d) electronic format via the
21 Internet; and (e) any other format or method.

22 **PART 3**

23 **ADMINISTRATION**

24 **Sec. 301.** RCW 42.17.350 and 1998 c 30 s 1 are each amended to read
25 as follows:

26 (1) (~~There is hereby established a "~~) The public disclosure
27 commission(" which) is established. The commission shall be composed
28 of five members (~~who shall be~~) appointed by the governor, with the
29 consent of the senate. All appointees shall be persons of the highest
30 integrity and qualifications. No more than three members shall have an
31 identification with the same political party.

32 (2) The term of each member shall be five years. No member is
33 eligible for appointment to more than one full term. Any member may be
34 removed by the governor, but only upon grounds of neglect of duty or
35 misconduct in office.

1 (3) During his or her tenure, a member of the commission is
2 prohibited from engaging in any of the following activities, either
3 within or outside the state of Washington:

4 (a) Holding or campaigning for elective office;

5 (b) Serving as an officer of any political party or political
6 committee;

7 (c) Permitting his or her name to be used in support of or in
8 opposition to a candidate or proposition;

9 (d) Soliciting or making contributions to a candidate or in support
10 of or in opposition to any candidate or proposition;

11 (e) Participating in any way in any election campaign; or

12 (f) Lobbying, employing, or assisting a lobbyist, except that a
13 member or the staff of the commission may lobby to the limited extent
14 permitted by RCW 42.17.190 (as recodified by this act) on matters
15 directly affecting this chapter.

16 (4) A vacancy on the commission shall be filled within thirty days
17 of the vacancy by the governor, with the consent of the senate, and the
18 appointee shall serve for the remaining term of his or her predecessor.
19 A vacancy shall not impair the powers of the remaining members to
20 exercise all of the powers of the commission.

21 (5) Three members of the commission shall constitute a quorum. The
22 commission shall elect its own chair and adopt its own rules of
23 procedure in the manner provided in chapter 34.05 RCW.

24 (6) Members shall be compensated in accordance with RCW 43.03.250
25 and ~~((in addition))~~ shall be reimbursed for travel expenses incurred
26 while engaged in the business of the commission as provided in RCW
27 43.03.050 and 43.03.060. The compensation provided pursuant to this
28 section shall not be considered salary for purposes of the provisions
29 of any retirement system created ~~((pursuant to))~~ under the ~~((general))~~
30 laws of this state.

31 **Sec. 302.** RCW 42.17.360 and 1973 c 1 s 36 are each amended to read
32 as follows:

33 The commission shall:

34 (1) Develop and provide forms for the reports and statements
35 required to be made under this chapter;

36 (2) Prepare and publish a manual setting forth recommended uniform

1 methods of bookkeeping and reporting for use by persons required to
2 make reports and statements under this chapter;

3 (3) Compile and maintain a current list of all filed reports and
4 statements;

5 (4) Investigate whether properly completed statements and reports
6 have been filed within the times required by this chapter;

7 (5) Upon complaint or upon its own motion, investigate and report
8 apparent violations of this chapter to the appropriate law enforcement
9 authorities;

10 (6) Conduct a sufficient number of audits and field investigations
11 to provide a statistically valid finding regarding the degree of
12 compliance with the provisions of this chapter by all required filers.
13 Any documents, records, reports, computer files, papers, or materials
14 provided to the commission for use in conducting audits and
15 investigations must be returned to the candidate, campaign, or
16 political committee from which they were received within one week of
17 the commission's completion of an audit or field investigation;

18 (7) Prepare and publish an annual report to the governor as to the
19 effectiveness of this chapter and its enforcement by appropriate law
20 enforcement authorities; (~~and~~

21 ~~(7)~~) (8) Enforce this chapter according to the powers granted it
22 by law;

23 (9) Adopt rules governing the arrangement, handling, indexing, and
24 disclosing of those reports required by this chapter to be filed with
25 a county auditor or county elections official. The rules shall:

26 (a) Ensure ease of access by the public to the reports; and

27 (b) Include, but not be limited to, requirements for indexing the
28 reports by the names of candidates or political committees and by the
29 ballot proposition for or against which a political committee is
30 receiving contributions or making expenditures;

31 (10) Adopt rules to carry out the policies of chapter 348, Laws of
32 2006. The adoption of these rules is not subject to the time
33 restrictions of RCW 42.17.370(1) (as recodified by this act);

34 (11) Adopt administrative rules establishing requirements for filer
35 participation in any system designed and implemented by the commission
36 for the electronic filing of reports; and

37 (12) Maintain and make available to the public and political
38 committees of this state a toll-free telephone number.

1 **Sec. 303.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to
2 read as follows:

3 The commission (~~(is empowered to)~~) may:

4 (1) Adopt, (~~(promulgate,)~~) amend, and rescind suitable
5 administrative rules to carry out the policies and purposes of this
6 chapter, which rules shall be adopted under chapter 34.05 RCW. Any
7 rule relating to campaign finance, political advertising, or related
8 forms that would otherwise take effect after June 30th of a general
9 election year shall take effect no earlier than the day following the
10 general election in that year;

11 (2) Appoint an executive director and set, within the limits
12 established by the state committee on agency officials' salaries under
13 RCW 43.03.028, the executive director's compensation (~~(of an executive~~
14 ~~director who)~~). The executive director shall perform such duties and
15 have such powers as the commission may prescribe and delegate to
16 implement and enforce this chapter efficiently and effectively. The
17 commission shall not delegate its authority to adopt, amend, or rescind
18 rules nor (~~(shall)~~) may it delegate authority to determine whether an
19 actual violation of this chapter has occurred or to assess penalties
20 for such violations;

21 (3) Prepare and publish (~~(such)~~) reports and technical studies (~~(as~~
22 ~~in its judgment will tend to)~~) that promote the purposes of this
23 chapter, including reports and statistics concerning campaign
24 financing, lobbying, financial interests of elected officials, and
25 enforcement of this chapter;

26 (4) Make from time to time, (~~(on its own motion,)~~) audits and field
27 investigations;

28 (5) Make public the time and date of any formal hearing set to
29 determine whether a violation has occurred, the question or questions
30 to be considered, and the results thereof;

31 (6) Administer oaths and affirmations, issue subpoenas, and compel
32 attendance, take evidence, and require the production of any (~~(books,~~
33 ~~papers, correspondence, memorandums, or other)~~) records relevant (~~(or~~
34 ~~material for the purpose of)~~) to any investigation authorized under
35 this chapter, or any other proceeding under this chapter;

36 (7) Adopt (~~(and promulgate)~~) a code of fair campaign practices;

37 (8) (~~(Relieve, by rule,)~~) Adopt rules relieving candidates or
38 political committees of obligations to comply with the election

1 ~~campaign~~ provisions of this chapter (~~relating to election campaigns~~),
2 if they have not received contributions nor made expenditures in
3 connection with any election campaign of more than (~~one thousand~~)
4 three thousand five hundred dollars;

5 (9) Adopt rules prescribing reasonable requirements for keeping
6 accounts of, and reporting on a quarterly basis, costs incurred by
7 state agencies, counties, cities, and other municipalities and
8 political subdivisions in preparing, publishing, and distributing
9 legislative information. (~~The term~~) For the purposes of this
10 subsection, "legislative information(~~(7)~~)" (~~for the purposes of this~~
11 ~~subsection~~) means books, pamphlets, reports, and other materials
12 prepared, published, or distributed at substantial cost, a substantial
13 purpose of which is to influence the passage or defeat of any
14 legislation. The state auditor in his or her regular examination of
15 each agency under chapter 43.09 RCW shall review the rules, accounts,
16 and reports and make appropriate findings, comments, and
17 recommendations (~~in his or her examination reports~~) concerning those
18 agencies; and

19 (10) (~~After hearing, by order approved and ratified by a majority~~
20 ~~of the membership of the commission, suspend or modify any of the~~
21 ~~reporting requirements of this chapter in a particular case if it finds~~
22 ~~that literal application of this chapter works a manifestly~~
23 ~~unreasonable hardship and if it also finds that the suspension or~~
24 ~~modification will not frustrate the purposes of the chapter. The~~
25 ~~commission shall find that a manifestly unreasonable hardship exists if~~
26 ~~reporting the name of an entity required to be reported under RCW~~
27 ~~42.17.241(1)(g)(ii) would be likely to adversely affect the competitive~~
28 ~~position of any entity in which the person filing the report or any~~
29 ~~member of his or her immediate family holds any office, directorship,~~
30 ~~general partnership interest, or an ownership interest of ten percent~~
31 ~~or more. Any suspension or modification shall be only to the extent~~
32 ~~necessary to substantially relieve the hardship. The commission shall~~
33 ~~act to suspend or modify any reporting requirements only if it~~
34 ~~determines that facts exist that are clear and convincing proof of the~~
35 ~~findings required under this section. Requests for renewals of~~
36 ~~reporting modifications may be heard in a brief adjudicative proceeding~~
37 ~~as set forth in RCW 34.05.482 through 34.05.494 and in accordance with~~
38 ~~the standards established in this section. No initial request may be~~

1 ~~heard in a brief adjudicative proceeding and no request for renewal may~~
2 ~~be heard in a brief adjudicative proceeding if the initial request was~~
3 ~~granted more than three years previously or if the applicant is holding~~
4 ~~an office or position of employment different from the office or~~
5 ~~position held when the initial request was granted. The commission~~
6 ~~shall adopt administrative rules governing the proceedings. Any~~
7 ~~citizen has standing to bring an action in Thurston county superior~~
8 ~~court to contest the propriety of any order entered under this section~~
9 ~~within one year from the date of the entry of the order; and~~

10 ~~(11) Revise, at least once every five years but no more often than~~
11 ~~every two years, the monetary reporting thresholds and reporting code~~
12 ~~values of this chapter. The revisions shall be only for the purpose of~~
13 ~~recognizing economic changes as reflected by an inflationary index~~
14 ~~recommended by the office of financial management. The revisions shall~~
15 ~~be guided by the change in the index for the period commencing with the~~
16 ~~month of December preceding the last revision and concluding with the~~
17 ~~month of December preceding the month the revision is adopted. As to~~
18 ~~each of the three general categories of this chapter (reports of~~
19 ~~campaign finance, reports of lobbyist activity, and reports of the~~
20 ~~financial affairs of elected and appointed officials), the revisions~~
21 ~~shall equally affect all thresholds within each category. Revisions~~
22 ~~shall be adopted as rules under chapter 34.05 RCW. The first revision~~
23 ~~authorized by this subsection shall reflect economic changes from the~~
24 ~~time of the last legislative enactment affecting the respective code or~~
25 ~~threshold through December 1985;~~

26 ~~(12)) Develop and provide to filers a system for certification of~~
27 ~~reports required under this chapter which are transmitted by facsimile~~
28 ~~or electronically to the commission. Implementation of the program is~~
29 ~~contingent on the availability of funds.~~

30 NEW SECTION. Sec. 304. SUSPENSION OR MODIFICATION OF REPORTING
31 REQUIREMENTS. (1) The commission may suspend or modify any of the
32 reporting requirements of this chapter if it finds that literal
33 application of this chapter works a manifestly unreasonable hardship in
34 a particular case and the suspension or modification will not frustrate
35 the purposes of this chapter. The commission may suspend or modify
36 reporting requirements only after a hearing is held and the suspension

1 or modification receives approval from a majority of the commission.
2 The commission shall act to suspend or modify any reporting
3 requirements:

4 (a) Only if it determines that facts exist that are clear and
5 convincing proof of the findings required under this section; and

6 (b) Only to the extent necessary to substantially relieve the
7 hardship.

8 (2) A manifestly unreasonable hardship exists if reporting the name
9 of an entity required to be reported under RCW 42.17.241(1)(g)(ii) (as
10 recodified by this act) would be likely to adversely affect the
11 competitive position of any entity in which the person filing the
12 report, or any member of his or her immediate family, holds any office,
13 directorship, general partnership interest, or an ownership interest of
14 ten percent or more.

15 (3) Requests for renewals of reporting modifications may be heard
16 in a brief adjudicative proceeding as set forth in RCW 34.05.482
17 through 34.05.494 and in accordance with the standards established in
18 this section. No initial request may be heard in a brief adjudicative
19 proceeding. No request for renewal may be heard in a brief
20 adjudicative proceeding if the initial request was granted more than
21 three years previously or if the applicant is holding an office or
22 position of employment different from the office or position held when
23 the initial request was granted.

24 (4) The commission shall adopt rules governing the proceedings.
25 Any citizen has standing to bring an action in Thurston county superior
26 court to contest the propriety of any order entered under this section
27 within one year from the date of the entry of the order.

28 **Sec. 305.** RCW 42.17.690 and 1993 c 2 s 9 are each amended to read
29 as follows:

30 (1) At the beginning of each even-numbered calendar year, the
31 commission shall increase or decrease ~~((all))~~ the dollar amounts in
32 ~~((this chapter))~~ RCW 42.17.020(28), 42.17.125, 42.17.180(1), 42.17.640,
33 42.17.645, and 42.17.740 (as recodified by this act) based on changes
34 in economic conditions as reflected in the inflationary index ~~((used by~~
35 ~~the commission under RCW 42.17.370))~~ recommended by the office of
36 financial management. The new dollar amounts established by the
37 commission under this section shall be rounded off ~~((by the~~

1 ~~commission~~) to amounts as judged most convenient for public
2 understanding and so as to be within ten percent of the target amount
3 equal to the base amount provided in this chapter multiplied by the
4 increase in the inflationary index (~~(since December 3, 1992)~~) as
5 follows:

6 (a) Since July 2005 for amounts specified in RCW 42.17.640 (as
7 recodified by this act);

8 (b) Since July 2006 for amounts specified in RCW 42.17.645 (as
9 recodified by this act); and

10 (c) Since July 2008 for amounts specified in RCW 42.17.020(28),
11 42.17.125, 42.17.180, and 42.17.740 (as recodified by this act).

12 (2) The commission may revise, at least once every five years but
13 no more often than every two years, the monetary reporting thresholds
14 and reporting code values of this chapter. The revisions shall be only
15 for the purpose of recognizing economic changes as reflected by an
16 inflationary index recommended by the office of financial management.
17 The revisions shall be guided by the change in the index for the period
18 commencing with the month of December preceding the last revision and
19 concluding with the month of December preceding the month the revision
20 is adopted. As to each of the three general categories of this
21 chapter, reports of campaign finance, reports of lobbyist activity, and
22 reports of the financial affairs of elected and appointed officials,
23 the revisions shall equally affect all thresholds within each category.
24 The first revision authorized by this subsection shall reflect economic
25 changes from the time of the last legislative enactment affecting the
26 respective code or threshold through December 1985.

27 (3) Revisions made in accordance with subsections (1) and (2) of
28 this section shall be adopted as rules under chapter 34.05 RCW.

29 **Sec. 306.** RCW 42.17.375 and 1983 c 294 s 1 are each amended to
30 read as follows:

31 ~~((With regard to the reports required by this chapter to be filed~~
32 ~~with a county auditor or county elections official,)) The commission
33 shall adopt rules governing the arrangement, handling, indexing, and
34 disclosing of those reports ((by the)) required by this chapter to be
35 filed with a county auditor or county elections official. The rules
36 shall ensure ease of access by the public to the reports and shall
37 include, but not be limited to, requirements for indexing the reports~~

1 by the names of candidates or political committees and by the ballot
2 proposition (~~for or against~~) regarding which a political committee is
3 receiving contributions or making expenditures.

4 **Sec. 307.** RCW 42.17.380 and 1982 c 35 s 196 are each amended to
5 read as follows:

6 (~~(1) The office of the secretary of state shall be designated as
7 a place where the public may file papers or correspond with the
8 commission and receive any form or instruction from the commission.~~

9 ~~(2))~~ The attorney general, through his or her office, shall
10 (~~supply such~~) provide assistance (~~as the commission may require in
11 order~~) required by the commission to carry out its responsibilities
12 under this chapter. The commission may employ attorneys who are
13 neither the attorney general nor an assistant attorney general to carry
14 out any function of the attorney general prescribed in this chapter.

15 **Sec. 308.** RCW 42.17.405 and 2006 c 240 s 2 are each amended to
16 read as follows:

17 (1) Except as provided in subsections (2), (3), and (7) of this
18 section, the reporting provisions of this chapter do not apply to:

19 (a) Candidates, elected officials, and agencies in political
20 subdivisions with less than one thousand registered voters as of the
21 date of the most recent general election in the jurisdiction(~~(7-10))~~;

22 (b) Political committees formed to support or oppose candidates or
23 ballot propositions in such political subdivisions(~~(7)~~); or (~~(10)~~)

24 (c) Persons making independent expenditures in support of or
25 opposition to such ballot propositions.

26 (2) The reporting provisions of this chapter apply in any exempt
27 political subdivision from which a "petition for disclosure" containing
28 the valid signatures of fifteen percent of the number of registered
29 voters, as of the date of the most recent general election in the
30 political subdivision, is filed with the commission. The commission
31 shall by rule prescribe the form of the petition. After the signatures
32 are gathered, the petition shall be presented to the auditor or
33 elections officer of the county, or counties, in which the political
34 subdivision is located. The auditor or elections officer shall verify
35 the signatures and certify to the commission that the petition contains
36 no less than the required number of valid signatures. The commission,

1 upon receipt of a valid petition, shall order every known affected
2 person in the political subdivision to file the initially required
3 statement and reports within fourteen days of the date of the order.

4 (3) The reporting provisions of this chapter apply in any exempt
5 political subdivision that by ordinance, resolution, or other official
6 action has petitioned the commission to make the provisions applicable
7 to elected officials and candidates of the exempt political
8 subdivision. A copy of the action shall be sent to the commission. If
9 the commission finds the petition to be a valid action of the
10 appropriate governing body or authority, the commission shall order
11 every known affected person in the political subdivision to file the
12 initially required statement and reports within fourteen days of the
13 date of the order.

14 (4) The commission shall void any order issued by it pursuant to
15 subsection (2) or (3) of this section when, at least four years after
16 issuing the order, the commission is presented a petition or official
17 action so requesting from the affected political subdivision. Such
18 petition or official action shall meet the respective requirements of
19 subsection (2) or (3) of this section.

20 (5) Any petition for disclosure, ordinance, resolution, or official
21 action of an agency petitioning the commission to void the exemption in
22 RCW 42.17.030(3) (as recodified by this act) shall not be considered
23 unless it has been filed with the commission:

24 (a) In the case of a ballot measure, at least sixty days before the
25 date of any election in which campaign finance reporting is to be
26 required;

27 (b) In the case of a candidate, at least sixty days before the
28 first day on which a person may file a declaration of candidacy for any
29 election in which campaign finance reporting is to be required.

30 (6) Any person exempted from reporting under this chapter may at
31 his or her option file the statement and reports.

32 (7) The reporting provisions of this chapter apply to a candidate
33 in any political subdivision if the candidate receives or expects to
34 receive five thousand dollars or more in contributions.

35 **Sec. 309.** RCW 42.17.420 and 1999 c 401 s 10 are each amended to
36 read as follows:

37 (1) Except as provided in subsection (2) of this section, (~~when~~)

1 the date of receipt of any application, report, statement, notice, or
2 payment required to be made under the provisions of this chapter (~~has~~
3 ~~been deposited postpaid in the United States mail properly addressed,~~
4 ~~it shall be deemed to have been received on the date of mailing. It~~
5 ~~shall be presumed that~~) is the date shown by the post office
6 cancellation mark on the envelope (~~is the date of mailing~~) of the
7 submitted material. The provisions of this section do not apply to
8 reports required to be delivered under RCW 42.17.105 and 42.17.175 (as
9 recodified by this act).

10 (2) When a report is filed electronically with the commission, it
11 is deemed to have been received on the file transfer date. The
12 commission shall notify the filer of receipt of the electronically
13 filed report. Such notification may be sent by mail, facsimile, or
14 electronic mail. If the notification of receipt of the electronically
15 filed report is not received by the filer, the filer may offer his or
16 her own proof of sending the report, and such proof shall be treated as
17 if it were a receipt sent by the commission. Electronic filing may be
18 used for purposes of filing the special reports required to be
19 delivered under RCW 42.17.105 and 42.17.175 (as recodified by this
20 act).

21 **Sec. 310.** RCW 42.17.450 and 1973 c 1 s 45 are each amended to read
22 as follows:

23 (~~Persons with whom statements or reports or copies of statements~~
24 ~~or reports are required to be filed under this chapter~~) (1) County
25 auditors and county elections officials shall preserve (~~them~~) filed
26 statements or reports for not less than six years.

27 (2) The commission(~~, however,~~) shall preserve (~~such~~) filed
28 statements or reports for not less than ten years.

29 **PART 4**

30 **CAMPAIGN FINANCE REPORTING**

31 **Sec. 401.** RCW 42.17.030 and 2006 c 240 s 1 are each amended to
32 read as follows:

33 The provisions of this chapter relating to the financing of
34 election campaigns shall apply in all election campaigns other than (1)
35 for precinct committee officer; (2) for a federal elective office; and

1 (3) for an office of a political subdivision of the state that does not
2 encompass a whole county and that contains fewer than five thousand
3 registered voters as of the date of the most recent general election in
4 the subdivision, unless required by RCW 42.17.405 (2) through (5) and
5 (7) (as recodified by this act).

6 **Sec. 402.** RCW 42.17.040 and 1989 c 280 s 2 are each amended to
7 read as follows:

8 (1) Every political committee(~~(, within two weeks after its~~
9 ~~organization or, within two weeks after the date when it first has the~~
10 ~~expectation of receiving contributions or making expenditures in any~~
11 ~~election campaign, whichever is earlier,)) shall file a statement of
12 organization with the commission and with the county auditor or
13 elections officer of the county in which the candidate resides, or in
14 the case of any other political committee, the county in which the
15 treasurer resides. The statement must be filed within two weeks after
16 its organization or within two weeks after the date when it first has
17 the expectation of receiving contributions or making expenditures in
18 any election campaign, whichever is earlier. A political committee
19 organized within the last three weeks before an election and having the
20 expectation of receiving contributions or making expenditures during
21 and for that election campaign shall file a statement of organization
22 within three business days after its organization or when it first has
23 the expectation of receiving contributions or making expenditures in
24 the election campaign.~~

25 (2) The statement of organization shall include but not be limited
26 to:

27 (a) The name and address of the committee;

28 (b) The names and addresses of all related or affiliated committees
29 or other persons, and the nature of the relationship or affiliation;

30 (c) The names, addresses, and titles of its officers; or if it has
31 no officers, the names, addresses, and titles of its responsible
32 leaders;

33 (d) The name and address of its treasurer and depository;

34 (e) A statement whether the committee is a continuing one;

35 (f) The name, office sought, and party affiliation of each
36 candidate whom the committee is supporting or opposing, and, if the

1 committee is supporting the entire ticket of any party, the name of the
2 party;

3 (g) The ballot proposition concerned, if any, and whether the
4 committee is in favor of or opposed to such proposition;

5 (h) What distribution of surplus funds will be made, in accordance
6 with RCW 42.17.095 (as recodified by this act), in the event of
7 dissolution;

8 (i) The street address of the place and the hours during which the
9 committee will make available for public inspection its books of
10 account and all reports filed in accordance with RCW 42.17.080 (as
11 recodified by this act); and

12 (j) Such other information as the commission may by regulation
13 prescribe, in keeping with the policies and purposes of this chapter.

14 (3) Any material change in information previously submitted in a
15 statement of organization shall be reported to the commission and to
16 the appropriate county elections officer within the ten days following
17 the change.

18 **Sec. 403.** RCW 42.17.050 and 1989 c 280 s 3 are each amended to
19 read as follows:

20 (1) Each candidate, within two weeks after becoming a candidate,
21 and each political committee, at the time it is required to file a
22 statement of organization, shall designate and file with the commission
23 and the appropriate county elections officer the name(~~s~~) and
24 address(~~es~~) of(~~+~~

25 ~~a~~) one legally competent individual, who may be the candidate,
26 to serve as a treasurer(~~;~~ and

27 ~~b~~) ~~A bank, mutual savings bank, savings and loan association, or~~
28 ~~credit union doing business in this state to serve as depository and~~
29 ~~the name of the account or accounts maintained in it).~~

30 (2) A candidate, a political committee, or a treasurer may appoint
31 as many deputy treasurers as is considered necessary and (~~may~~
32 ~~designate not more than one additional depository in each other county~~
33 ~~in which the campaign is conducted. The candidate or political~~
34 ~~committee~~) shall file the names and addresses of the deputy treasurers
35 (~~and additional depositories~~) with the commission and the appropriate
36 county elections officer.

1 (3) (~~A candidate may not knowingly establish, use, direct, or~~
2 ~~control more than one political committee for the purpose of supporting~~
3 ~~that candidate during a particular election campaign. This does not~~
4 ~~prohibit: (a) In addition to a candidate's having his or her own~~
5 ~~political committee, the candidate's participation in a political~~
6 ~~committee established to support a slate of candidates which includes~~
7 ~~the candidate; or (b) joint fund raising efforts by candidates when a~~
8 ~~separate political committee is established for that purpose and all~~
9 ~~contributions are disbursed to and accounted for on a pro rata basis by~~
10 ~~the benefiting candidates.~~

11 ~~(4)~~) (a) A candidate or political committee may at any time remove
12 a treasurer or deputy treasurer (~~or change a designated depository~~)).

13 (b) In the event of the death, resignation, removal, or change of
14 a treasurer(~~(7)~~) or deputy treasurer, (~~or depository,~~) the candidate
15 or political committee shall designate and file with the commission and
16 the appropriate county elections officer the name and address of any
17 successor.

18 ~~((5))~~ (4) No treasurer(~~(7)~~) or deputy treasurer(~~(7—~~
19 ~~depository)~~) may be deemed to be in compliance with the provisions of
20 this chapter until his or her name and address is filed with the
21 commission and the appropriate county elections officer.

22 NEW SECTION. Sec. 404. DEPOSITORIES. Each candidate and each
23 political committee shall designate and file with the commission and
24 the appropriate county elections officer the name and address of not
25 more than one depository for each county in which the campaign is
26 conducted in which the candidate's or political committee's accounts
27 are maintained and the name of the account or accounts maintained in
28 that depository on behalf of the candidate or political committee. The
29 candidate or political committee may at any time change the designated
30 depository and shall file with the commission and the appropriate
31 county elections officer the same information for the successor
32 depository as for the original depository. The candidate or political
33 committee may not be deemed in compliance with the provisions of this
34 chapter until the information required for the depository is filed with
35 the commission and the appropriate county elections officer.

1 **Sec. 405.** RCW 42.17.060 and 1989 c 280 s 4 are each amended to
2 read as follows:

3 (1) All monetary contributions received by a candidate or political
4 committee shall be deposited by the treasurer or deputy treasurer in a
5 depository in an account established and designated for that purpose.
6 Such deposits shall be made within five business days of receipt of the
7 contribution.

8 (2) Political committees (~~(which)~~) that support or oppose more than
9 one candidate or ballot proposition, or exist for more than one
10 purpose, may maintain multiple separate bank accounts within the same
11 designated depository for such purpose(~~(:—PROVIDED, That)~~) only if:

12 (a) Each such account (~~(shall)~~) bears the same name;

13 (b) Each such account is followed by an appropriate designation
14 (~~(which)~~) that accurately identifies its separate purpose(~~(:—AND~~
15 PROVIDED FURTHER, That)); and

16 (c) Transfers of funds (~~(which)~~) that must be reported under RCW
17 42.17.090(1)(~~(d) may~~) (e) (as recodified by this act) are not (~~(be)~~)
18 made from more than one such account.

19 (3) Nothing in this section prohibits a candidate or political
20 committee from investing funds on hand in a depository in bonds,
21 certificates, or tax-exempt securities, or in savings accounts or other
22 similar instruments in financial institutions, or in mutual funds other
23 than the depository(~~(:—PROVIDED, That)~~) but only if:

24 (a) The commission and the appropriate county elections officer
25 (~~(is)~~) are notified in writing of the initiation and the termination of
26 the investment(~~(:—PROVIDED FURTHER, That)); and~~

27 (b) The principal of such investment, when terminated together with
28 all interest, dividends, and income derived from the investment
29 (~~(are)~~), is deposited in the depository in the account from which the
30 investment was made (~~(and properly reported to the commission and the~~
31 appropriate county elections officer prior to)) before any further
32 disposition or expenditure (~~(thereof)~~).

33 (4) Accumulated unidentified contributions, other than those made
34 by persons whose names must be maintained on a separate and private
35 list by a political committee's treasurer pursuant to RCW
36 42.17.090(1)(b) (as recodified by this act), (~~(which total)~~) in excess
37 of one percent of the total accumulated contributions received in the
38 current calendar year, or three hundred dollars (~~(+)~~), whichever is

1 more(+) , may not be deposited, used, or expended, but shall be
2 returned to the donor(τ) if his or her identity can be ascertained.
3 If the donor cannot be ascertained, the contribution shall escheat to
4 the state(τ) and shall be paid to the state treasurer for deposit in
5 the state general fund.

6 ~~((5) A contribution of more than fifty dollars in currency may not
7 be accepted unless a receipt, signed by the contributor and by the
8 candidate, treasurer, or deputy treasurer, is prepared and made a part
9 of the campaign's or political committee's financial records.))~~

10 **Sec. 406.** RCW 42.17.065 and 2000 c 237 s 1 are each amended to
11 read as follows:

12 (1) In addition to the provisions of this section, a continuing
13 political committee shall file and report on the same conditions and at
14 the same times as any other committee in accordance with the provisions
15 of RCW 42.17.040, 42.17.050, and 42.17.060 (as recodified by this act).

16 (2) A continuing political committee shall file ~~((with the
17 commission and the auditor or elections officer of the county in which
18 the committee maintains its office or headquarters and if there is no
19 such office or headquarters then in the county in which the committee
20 treasurer resides))~~ a report on the tenth day of ~~((the))~~ each month
21 detailing ~~((its activities))~~ expenditures made and contributions
22 received for the preceding calendar month ~~((in which the committee has
23 received a contribution or made an expenditure: PROVIDED, That such))~~.
24 This report ~~((shall))~~ need only be filed if either the total
25 contributions received or total expenditures made since the last such
26 report exceed two hundred dollars~~((: PROVIDED FURTHER, That after
27 January 1, 2002, if the committee files with the commission
28 electronically, it need not also file with the county auditor or
29 elections officer))~~. The report must be filed with the commission and
30 the auditor or elections officer of the county in which the committee
31 maintains its office or headquarters. If the committee does not have
32 an office or headquarters, the report must be filed in the county where
33 the committee treasurer resides. After January 1, 2002, if the
34 committee files with the commission electronically, it need not also
35 file with the county auditor or elections officer. The report shall be
36 on a form supplied by the commission and shall include the following
37 information:

1 (a) The information required by RCW 42.17.090 (as recodified by
2 this act);

3 (b) Each expenditure made to retire previously accumulated debts of
4 the committee(~~(+)~~) identified by recipient, amount, and date of
5 payments;

6 (c) (~~(Such)~~) Other information (~~(as)~~) the commission shall
7 prescribe by rule (~~(prescribe)~~).

8 (3) If a continuing political committee (~~(shall)~~) makes a
9 contribution in support of or in opposition to a candidate or ballot
10 proposition within sixty days (~~(prior to)~~) before the date (~~(on which~~
11 ~~such)~~) that the candidate or ballot proposition will be voted upon,
12 (~~(such continuing political)~~) the committee shall report pursuant to
13 RCW 42.17.080 (as recodified by this act).

14 (4) A continuing political committee shall file reports as required
15 by this chapter until it is dissolved, at which time a final report
16 shall be filed. Upon submitting a final report, the duties of the
17 (~~(campaign)~~) treasurer shall cease and there shall be no obligation to
18 make any further reports.

19 (5) The (~~(campaign)~~) treasurer shall maintain books of account,
20 current within five business days, that accurately (~~(reflecting)~~)
21 reflect all contributions and expenditures (~~(on a current basis within~~
22 ~~five business days of receipt or expenditure)~~). During the eight days
23 immediately preceding the date of any election(~~(, for which)~~) that
24 the committee has received any contributions or made any expenditures, the
25 books of account shall be kept current within one business day and
26 shall be open for public inspection in the same manner as provided for
27 candidates and other political committees in RCW 42.17.080(5) (as
28 recodified by this act).

29 (6) All reports filed pursuant to this section shall be certified
30 as correct by the (~~(campaign)~~) treasurer.

31 (7) The (~~(campaign)~~) treasurer shall preserve books of account,
32 bills, receipts, and all other financial records of the campaign or
33 political committee for not less than five calendar years following the
34 year during which the transaction occurred.

35 **Sec. 407.** RCW 42.17.067 and 1989 c 280 s 6 are each amended to
36 read as follows:

37 (1) Fund-raising activities (~~(which meet)~~) meeting the standards of

1 subsection (2) of this section may be reported in accordance with the
2 provisions of this section in lieu of reporting in accordance with RCW
3 42.17.080 (as recodified by this act).

4 (2) Standards:

5 (a) The activity consists of one or more of the following:

6 (i) ~~((The retail))~~ A sale of goods or services sold at a reasonable
7 approximation of the fair market value of each item or service ~~((sold~~
8 ~~at the activity))~~; or

9 (ii) A gambling operation ~~((which))~~ that is licensed, conducted, or
10 operated in accordance with the provisions of chapter 9.46 RCW; or

11 (iii) A gathering where food and beverages are purchased ~~((, where))~~
12 and the price of admission or the per person charge for the food and
13 beverages is no more than twenty-five dollars; or

14 (iv) A concert, dance, theater performance, or similar
15 entertainment event ~~((where))~~ and the price of admission is no more
16 than twenty-five dollars; or

17 (v) An auction or similar sale ~~((where))~~ for which the total fair
18 market value of items donated by any person ~~((for sale))~~ is no more
19 than fifty dollars; and

20 (b) No person responsible for receiving money at ~~((such))~~ the fund-
21 raising activity knowingly accepts payments from a single person at or
22 from such an activity to the candidate or committee aggregating more
23 than fifty dollars unless the name and address of the person making
24 ~~((such))~~ the payment, together with the amount paid to the candidate or
25 committee are disclosed in the report filed pursuant to subsection (6)
26 of this section; and

27 (c) ~~((Such))~~ Any other standards ~~((as shall be))~~ established by
28 rule of the commission to prevent frustration of the purposes of this
29 chapter.

30 (3) All funds received from a fund-raising activity ~~((which))~~ that
31 conforms with subsection (2) of this section ~~((shall))~~ must be
32 deposited in the depository within five business days of receipt by the
33 treasurer or deputy treasurer ~~((in the depository))~~.

34 (4) At the time reports are required under RCW 42.17.080 (as
35 recodified by this act), the treasurer or deputy treasurer making the
36 deposit shall file with the commission and the appropriate county
37 elections officer a report of the fund-raising activity which ~~((shall))~~
38 must contain the following information:

1 (a) The date of the activity;
2 (b) A precise description of the fund-raising methods used in the
3 activity; and

4 (c) The total amount of cash receipts from persons, each of whom
5 paid no more than fifty dollars.

6 (5) The treasurer or deputy treasurer shall certify the report is
7 correct.

8 (6) The treasurer shall report pursuant to RCW 42.17.080 and
9 42.17.090 (as recodified by this act):

10 (a) The name and address and the amount contributed (~~(of)~~) by each
11 person (~~(who contributes)~~) contributing goods or services with a fair
12 market value of more than fifty dollars to a fund-raising activity
13 reported under subsection (4) of this section(~~(7)~~); and

14 (b) The name and address (~~(of)~~) and the amount paid by each person
15 whose identity can be ascertained, (~~(and the amount paid, from whom~~
16 ~~were knowingly received payments)~~) who made a contribution to the
17 candidate or committee aggregating more than fifty dollars at or from
18 such a fund-raising activity.

19 **Sec. 408.** RCW 42.17.080 and 2006 c 344 s 30 are each amended to
20 read as follows:

21 (1) In addition to the information required under RCW 42.17.040 and
22 42.17.050 (as recodified by this act), on the day the treasurer is
23 designated, each candidate or political committee (~~(shall)~~) must file
24 with the commission and the county auditor or elections officer of the
25 county in which the candidate resides, or in the case of a political
26 committee, the county in which the treasurer resides, (~~(in addition to~~
27 ~~any statement of organization required under RCW 42.17.040 or~~
28 ~~42.17.050,~~) a report of all contributions received and expenditures
29 made (~~(prior to)~~) before that date, if any.

30 (2) (~~(At the following intervals)~~) Each treasurer shall file with
31 the commission and the county auditor or elections officer of the
32 county in which the candidate resides, or in the case of a political
33 committee, the county in which the committee maintains its office or
34 headquarters, (~~(and if there is no office or headquarters then)~~) or in
35 the county in which the treasurer resides if there is no office or
36 headquarters, a report containing the information required by RCW
37 42.17.090 (as recodified by this act) at the following intervals:

1 (a) On the twenty-first day and the seventh day immediately
2 preceding the date on which the election is held; (~~and~~))

3 (b) On the tenth day of the first month after the election; and

4 (c) On the tenth day of each month in which no other reports are
5 required to be filed under this section(~~(: PROVIDED, That such report~~
6 ~~shall only be filed~~)) only if the committee has received a contribution
7 or made an expenditure in the preceding calendar month and either the
8 total contributions received or total expenditures made since the last
9 such report exceed two hundred dollars.

10 (~~When there is no outstanding debt or obligation, and the campaign~~
11 ~~fund is closed, and the campaign is concluded in all respects, and in~~
12 ~~the case of a political committee, the committee has ceased to function~~
13 ~~and has dissolved, the treasurer shall file a final report. Upon~~
14 ~~submitting a final report, the duties of the treasurer shall cease and~~
15 ~~there shall be no obligation to make any further reports.))~~

16 The report filed twenty-one days before the election shall report
17 all contributions received and expenditures made as of the end of the
18 fifth business day before the date of the report. The report filed
19 seven days before the election shall report all contributions received
20 and expenditures made as of the end of the one business day before the
21 date of the report. Reports filed on the tenth day of the month shall
22 report all contributions received and expenditures made from the
23 closing date of the last report filed through the last day of the month
24 preceding the date of the current report.

25 (3) For the period beginning the first day of the fourth month
26 preceding the date (~~on which~~) of the special election (~~is held~~), or
27 for the period beginning the first day of the fifth month before the
28 date (~~on which~~) of the general election (~~is held~~), and ending on
29 the date of that special or general election, each Monday the treasurer
30 shall file with the commission and the appropriate county elections
31 officer a report of each bank deposit made during the previous seven
32 calendar days. The report shall contain the name of each person
33 contributing the funds (~~so deposited~~) and the amount contributed by
34 each person. However, (~~contributions of~~) persons who contribute no
35 more than twenty-five dollars in the aggregate (~~from any one person~~
36 ~~may be deposited without identifying the contributor~~) are not required
37 to be identified in the report. A copy of the report shall be retained
38 by the treasurer for his or her records. In the event of deposits made

1 by a deputy treasurer, the copy shall be forwarded to the treasurer for
2 his or her records. Each report shall be certified as correct by the
3 treasurer or deputy treasurer making the deposit.

4 (4) If a city requires that candidates or committees for city
5 offices file reports with a city agency, the candidate or treasurer
6 (~~so filing need not also~~) complying with that requirement does not
7 need to file the report with the county auditor or elections officer.

8 (5) The treasurer or candidate shall maintain books of account
9 accurately reflecting all contributions and expenditures on a current
10 basis within five business days of receipt or expenditure. During the
11 eight days immediately preceding the date of the election the books of
12 account shall be kept current within one business day. As specified in
13 the committee's statement of organization filed under RCW 42.17.040 (as
14 recodified by this act), the books of account must be open for public
15 inspection by appointment at the designated place for inspections
16 between 8:00 a.m. and 8:00 p.m. on any day from the eighth day
17 immediately before the election through the day immediately before the
18 election, other than Saturday, Sunday, or a legal holiday. It is a
19 violation of this chapter for a candidate or political committee to
20 refuse to allow and keep an appointment for an inspection to be
21 conducted during these authorized times and days. The appointment must
22 be allowed at an authorized time and day for such inspections that is
23 within twenty-four hours of the time and day that is requested for the
24 inspection.

25 (~~(6) (The treasurer or candidate shall preserve books of account,~~
26 ~~bills, receipts, and all other financial records of the campaign or~~
27 ~~political committee for not less than five calendar years following the~~
28 ~~year during which the transaction occurred.~~

29 (~~7) All reports filed pursuant to subsection (1) or (2) of this~~
30 ~~section shall be certified as correct by the candidate and the~~
31 ~~treasurer.~~

32 (~~8~~)) Copies of all reports filed pursuant to this section shall be
33 readily available for public inspection for at least two consecutive
34 hours Monday through Friday, excluding legal holidays, between 8:00
35 a.m. and 8:00 p.m., as specified in the committee's statement of
36 organization (~~filed pursuant to RCW 42.17.040~~), at the principal
37 headquarters or, if there is no headquarters, at the address of the
38 treasurer or such other place as may be authorized by the commission.

1 ~~((9))~~ (7) After January 1, 2002, a report that is filed with the
2 commission electronically need not also be filed with the county
3 auditor or elections officer.

4 ~~((10) The commission shall adopt administrative rules establishing
5 requirements for filer participation in any system designed and
6 implemented by the commission for the electronic filing of reports.)~~

7 (8) The treasurer or candidate shall preserve books of account,
8 bills, receipts, and all other financial records of the campaign or
9 political committee for not less than five calendar years following the
10 year during which the transaction occurred.

11 (9) All reports filed pursuant to subsection (1) or (2) of this
12 section shall be certified as correct by the candidate and the
13 treasurer.

14 (10) When there is no outstanding debt or obligation, the campaign
15 fund is closed, and the campaign is concluded in all respects or in the
16 case of a political committee, the committee has ceased to function and
17 has dissolved, the treasurer shall file a final report. Upon
18 submitting a final report, the duties of the treasurer shall cease and
19 there is no obligation to make any further reports.

20 **Sec. 409.** RCW 42.17.090 and 2003 c 123 s 1 are each amended to
21 read as follows:

22 ~~((1))~~ Each report required under RCW 42.17.080 (1) and (2) (as
23 recodified by this act) must be certified as correct by the treasurer
24 and the candidate and shall disclose the following:

25 ~~((a))~~ (1) The funds on hand at the beginning of the period;

26 ~~((b))~~ (2) The name and address of each person who has made one or
27 more contributions during the period, together with the money value and
28 date of ~~((such))~~ each contribution~~((s))~~ and the aggregate value of all
29 contributions received from each ~~((such))~~ person during the campaign,
30 or in the case of a continuing political committee, the current
31 calendar year~~((: PROVIDED, That))~~, with the following exceptions:

32 (a) Pledges in the aggregate of less than one hundred dollars from
33 any one person need not be reported~~((: PROVIDED FURTHER, That the))~~;

34 (b) Income ~~((which))~~ that results from a fund-raising activity
35 conducted in accordance with RCW 42.17.067 (as recodified by this act)
36 may be reported as one lump sum, with the exception of that portion

1 ~~((of such income which was))~~ received from persons whose names and
2 addresses are required to be included in the report required by RCW
3 42.17.067~~((: PROVIDED FURTHER, That))~~ (as recodified by this act);

4 (c) Contributions of no more than twenty-five dollars in the
5 aggregate from any one person during the election campaign may be
6 reported as one lump sum ~~((so long as))~~ if the ~~((campaign))~~ treasurer
7 maintains a separate and private list of the name, address, and amount
8 of each such contributor~~((: PROVIDED FURTHER, That))~~; and

9 (d) The money value of contributions of postage shall be the face
10 value of ~~((such))~~ the postage;

11 ~~((+e+))~~ (3) Each loan, promissory note, or security instrument to
12 be used by or for the benefit of the candidate or political committee
13 made by any person, ~~((together with))~~ including the names and addresses
14 of the lender and each person liable directly, indirectly or
15 contingently and the date and amount of each such loan, promissory
16 note, or security instrument;

17 ~~((+d+))~~ (4) All other contributions not otherwise listed or
18 exempted;

19 ~~((+e+))~~ (5) The name and address of each candidate or political
20 committee to which any transfer of funds was made, ~~((together with))~~
21 including the amounts and dates of ~~((such))~~ the transfers;

22 ~~((+f+))~~ (6) The name and address of each person to whom an
23 expenditure was made in the aggregate amount of more than fifty dollars
24 during the period covered by this report, ~~((and))~~ the amount, date, and
25 purpose of each ~~((such))~~ expenditure~~((: A candidate for state
26 executive or state legislative office or the political committee of
27 such a candidate shall report this information for an expenditure under
28 one of the following categories, whichever is appropriate: (i)
29 Expenditures for the election of the candidate; (ii) expenditures for
30 nonreimbursed public office related expenses; (iii) expenditures
31 required to be reported under (e) of this subsection; or (iv)
32 expenditures of surplus funds and other expenditures. The report of
33 such a candidate or committee shall contain a separate total of
34 expenditures for each category and a total sum of all expenditures.
35 Other candidates and political committees need not report information
36 regarding expenditures under the categories listed in (i) through (iv)
37 of this subsection or under similar such categories unless required to~~

1 ~~do so by the commission by rule. The report of such an other candidate~~
2 ~~or committee shall also contain)), and the total sum of all~~
3 ~~expenditures;~~

4 ~~((g))~~ (7) The name and address of each person ~~((to whom any~~
5 ~~expenditure was made directly or indirectly to compensate the person))~~
6 directly or indirectly compensated for soliciting or procuring
7 signatures on an initiative or referendum petition, the amount of
8 ~~((such))~~ the compensation to each ~~((such))~~ person, and the total ~~((of~~
9 ~~the))~~ expenditures made for this purpose. Such expenditures shall be
10 reported under this subsection ~~((1)(g) whether the expenditures are or~~
11 ~~are not also))~~ in addition to what is required to be reported under
12 ~~((f) of this))~~ subsection (6) of this section;

13 ~~((h))~~ (8) The name and address of any person and the amount owed
14 for any debt, obligation, note, unpaid loan, or other liability in the
15 amount of more than two hundred fifty dollars or in the amount of more
16 than fifty dollars that has been outstanding for over thirty days;

17 ~~((i))~~ (9) The surplus or deficit of contributions over
18 expenditures;

19 ~~((j))~~ (10) The disposition made in accordance with RCW 42.17.095
20 (as recodified by this act) of any surplus funds; and

21 ~~((k) Such))~~ (11) Any other information ~~((as shall be))~~ required by
22 the commission by rule in conformance with the policies and purposes of
23 this chapter.

24 ~~((2) The treasurer and the candidate shall certify the correctness~~
25 ~~of each report.))~~

26 **Sec. 410.** RCW 42.17.3691 and 2000 c 237 s 4 are each amended to
27 read as follows:

28 (1) ~~((Beginning January 1, 2002, each candidate or political~~
29 ~~committee that expended twenty five thousand dollars or more in the~~
30 ~~preceding year or expects to expend twenty five thousand dollars or~~
31 ~~more in the current year shall file all contribution reports and~~
32 ~~expenditure reports required by this chapter by the electronic~~
33 ~~alternative provided by the commission under RCW 42.17.369. The~~
34 ~~commission may make exceptions on a case by case basis for candidates~~
35 ~~whose authorized committees lack the technological ability to file~~
36 ~~reports using the electronic alternative provided by the commission.~~

1 ~~(2) Beginning January 1, 2004,~~) Each candidate or political
2 committee that expended ten thousand dollars or more in the preceding
3 year or expects to expend ten thousand dollars or more in the current
4 year shall file all contribution reports and expenditure reports
5 required by this chapter by the electronic alternative provided by the
6 commission under RCW 42.17.369 (as recodified by this act). The
7 commission may make exceptions on a case-by-case basis for candidates
8 whose authorized committees lack the technological ability to file
9 reports using the electronic alternative provided by the commission.

10 ~~((3))~~ (2) Failure by a candidate or political committee to comply
11 with this section is a violation of this chapter.

12 **Sec. 411.** RCW 42.17.093 and 2006 c 348 s 6 are each amended to
13 read as follows:

14 (1) An out-of-state political committee organized for the purpose
15 of supporting or opposing candidates or ballot propositions in another
16 state that is not otherwise required to report under RCW 42.17.040
17 through 42.17.090 (as recodified by this act) shall report as required
18 in this section when it makes an expenditure supporting or opposing a
19 Washington state candidate or political committee. The committee shall
20 file with the commission a statement disclosing:

21 (a) Its name and address;

22 (b) The purposes of the out-of-state committee;

23 (c) The names, addresses, and titles of its officers or, if it has
24 no officers, the names, addresses, and the titles of its responsible
25 leaders;

26 (d) The name, office sought, and party affiliation of each
27 candidate in the state of Washington whom the out-of-state committee is
28 supporting or opposing and, if ~~((such))~~ the committee is supporting or
29 opposing the entire ticket of any party, the name of the party;

30 (e) The ballot proposition supported or opposed in the state of
31 Washington, if any, and whether ~~((such))~~ the committee is in favor of
32 or opposed to ~~((such))~~ that proposition;

33 (f) The name and address of each person residing in the state of
34 Washington or corporation ~~((which))~~ that has a place of business in the
35 state of Washington who has made one or more contributions in the
36 aggregate of more than twenty-five dollars to the out-of-state

1 committee during the current calendar year, together with the money
2 value and date of (~~such~~) the contributions;

3 (g) The name, address, and employer of each person or corporation
4 residing outside the state of Washington who has made one or more
5 contributions in the aggregate of more than two thousand five hundred
6 dollars to the out-of-state committee during the current calendar year,
7 together with the money value and date of (~~such~~) the contributions.
8 Annually, the commission must modify the two thousand five hundred
9 dollar limit in this subsection based on percentage change in the
10 implicit price deflator for personal consumption expenditures for the
11 United States as published for the most recent twelve-month period by
12 the bureau of economic analysis of the federal department of commerce;

13 (h) The name and address of each person in the state of Washington
14 to whom an expenditure was made by the out-of-state committee with
15 respect to a candidate or political committee in the aggregate amount
16 of more than fifty dollars, the amount, date, and purpose of (~~such~~)
17 the expenditure, and the total sum of (~~such~~) the expenditures; and

18 (i) (~~Such~~) Any other information as the commission may prescribe
19 by rule in keeping with the policies and purposes of this chapter.

20 (2) Each statement shall be filed no later than the tenth day of
21 the month following any month in which a contribution or other
22 expenditure reportable under subsection (1) of this section is made.
23 An out-of-state committee incurring an obligation to file additional
24 statements in a calendar year may satisfy the obligation by timely
25 filing reports that supplement previously filed information.

26 **Sec. 412.** RCW 42.17.100 and 1995 c 397 s 28 are each amended to
27 read as follows:

28 (1) For the purposes of this section and RCW 42.17.550 (~~the term~~)
29 (as recodified by this act), "independent expenditure" means any
30 expenditure that is made in support of or in opposition to any
31 candidate or ballot proposition and is not otherwise required to be
32 reported pursuant to RCW 42.17.060, 42.17.080, or 42.17.090 (as
33 recodified by this act). "Independent expenditure" does not include:
34 An internal political communication primarily limited to the
35 contributors to a political party organization or political action
36 committee, or the officers, management staff, and stockholders of a
37 corporation or similar enterprise, or the members of a labor

1 organization or other membership organization; or the rendering of
2 personal services of the sort commonly performed by volunteer campaign
3 workers, or incidental expenses personally incurred by volunteer
4 campaign workers not in excess of fifty dollars personally paid for by
5 the worker. "Volunteer services," for the purposes of this section,
6 means services or labor for which the individual is not compensated by
7 any person.

8 (2) Within five days after the date of making an independent
9 expenditure that by itself or when added to all other (~~such~~)
10 independent expenditures made during the same election campaign by the
11 same person equals one hundred dollars or more, or within five days
12 after the date of making an independent expenditure for which no
13 reasonable estimate of monetary value is practicable, whichever occurs
14 first, the person who made the independent expenditure shall file with
15 the commission and the county elections officer of the county of
16 residence for the candidate supported or opposed by the independent
17 expenditure (or in the case of an expenditure made in support of or in
18 opposition to a local ballot proposition, the county of residence for
19 the person making the expenditure) an initial report of all independent
20 expenditures made during the campaign (~~prior to~~) before and including
21 such date.

22 (3) At the following intervals each person who is required to file
23 an initial report pursuant to subsection (2) of this section shall file
24 with the commission and the county elections officer of the county of
25 residence for the candidate supported or opposed by the independent
26 expenditure (or in the case of an expenditure made in support of or in
27 opposition to a ballot proposition, the county of residence for the
28 person making the expenditure) a further report of the independent
29 expenditures made since the date of the last report:

30 (a) On the twenty-first day and the seventh day preceding the date
31 on which the election is held; and

32 (b) On the tenth day of the first month after the election; and

33 (c) On the tenth day of each month in which no other reports are
34 required to be filed pursuant to this section. However, the further
35 reports required by this subsection (3) shall only be filed if the
36 reporting person has made an independent expenditure since the date of
37 the last previous report filed.

1 ~~(4)~~ The report filed pursuant to ~~((paragraph (a) of this))~~
2 subsection (3)(a) of this section shall be the final report, and upon
3 submitting such final report the duties of the reporting person shall
4 cease, and there shall be no obligation to make any further reports.

5 ~~((4))~~ (5) All reports filed pursuant to this section shall be
6 certified as correct by the reporting person.

7 ~~((5))~~ (6) Each report required by subsections (2) and (3) of this
8 section shall disclose for the period beginning at the end of the
9 period for the last previous report filed or, in the case of an initial
10 report, beginning at the time of the first independent expenditure, and
11 ending not more than one business day before the date the report is
12 due:

13 (a) The name and address of the person filing the report;

14 (b) The name and address of each person to whom an independent
15 expenditure was made in the aggregate amount of more than fifty
16 dollars, and the amount, date, and purpose of each ~~((such))~~
17 expenditure. If no reasonable estimate of the monetary value of a
18 particular independent expenditure is practicable, it is sufficient to
19 report instead a precise description of services, property, or rights
20 furnished through the expenditure, and where appropriate, to attach a
21 copy of the item produced or distributed by the expenditure;

22 (c) The total sum of all independent expenditures made during the
23 campaign to date; and

24 ~~((Such))~~ Any other information ~~((as shall be required by))~~ the
25 commission may require by rule ~~((in conformance with the policies and~~
26 ~~purposes of this chapter))~~.

27 **Sec. 413.** RCW 42.17.103 and 2005 c 445 s 7 are each amended to
28 read as follows:

29 (1) The sponsor of political advertising who, within twenty-one
30 days of an election, publishes, mails, or otherwise presents to the
31 public political advertising supporting or opposing a candidate or
32 ballot proposition that qualifies as an independent expenditure with a
33 fair market value of one thousand dollars or more shall deliver, either
34 electronically or in written form, a special report to the commission
35 within twenty-four hours of, or on the first working day after, the
36 date the political advertising is first published, mailed, or otherwise
37 presented to the public.

1 (2) If a sponsor is required to file a special report under this
2 section, the sponsor shall also deliver to the commission within the
3 delivery period established in subsection (1) of this section a special
4 report for each subsequent independent expenditure of any size
5 supporting or opposing the same candidate who was the subject of the
6 previous independent expenditure, supporting or opposing that
7 candidate's opponent, or supporting or opposing the same ballot
8 proposition that was the subject of the previous independent
9 expenditure.

10 (3) The special report must include (~~at least~~):

11 (a) The name and address of the person making the expenditure;

12 (b) The name and address of the person to whom the expenditure was
13 made;

14 (c) A detailed description of the expenditure;

15 (d) The date the expenditure was made and the date the political
16 advertising was first published or otherwise presented to the public;

17 (e) The amount of the expenditure;

18 (f) The name of the candidate supported or opposed by the
19 expenditure, the office being sought by the candidate, and whether the
20 expenditure supports or opposes the candidate; or the name of the
21 ballot proposition supported or opposed by the expenditure and whether
22 the expenditure supports or opposes the ballot proposition; and

23 (g) Any other information the commission may require by rule.

24 (4) All persons required to report under RCW 42.17.065, 42.17.080,
25 42.17.090, 42.17.100, and 42.17.565 (as recodified by this act) are
26 subject to the requirements of this section. The commission may
27 determine that reports filed pursuant to this section also satisfy the
28 requirements of RCW 42.17.100 (as recodified by this act).

29 (5) The sponsor of independent expenditures supporting a candidate
30 or opposing that candidate's opponent required to report under this
31 section shall file with each required report an affidavit or
32 declaration of the person responsible for making the independent
33 expenditure that the expenditure was not made in cooperation,
34 consultation, or concert with, or at the request or suggestion of, the
35 candidate, the candidate's authorized committee, or the candidate's
36 agent, or with the encouragement or approval of the candidate, the
37 candidate's authorized committee, or the candidate's agent.

1 **Sec. 414.** RCW 42.17.105 and 2001 c 54 s 2 are each amended to read
2 as follows:

3 (1) (~~Campaign~~) Treasurers shall prepare and deliver to the
4 commission a special report (~~regarding any~~) when a contribution or
5 aggregate of contributions which (~~is~~) totals one thousand dollars
6 or more (~~is~~), is from a single person or entity (~~is~~), and is received
7 during a special reporting period.

8 (~~Any~~) (2) A political committee (~~making~~) shall prepare and
9 deliver to the commission a special report when it makes a contribution
10 or an aggregate of contributions to a single entity (~~which is~~) that
11 totals one thousand dollars or more (~~shall also prepare and deliver to~~
12 the commission the special report if the contribution or aggregate of
13 contributions is made)) during a special reporting period.

14 (~~For the purposes of subsections (1) through (7) of this section:~~
15 ~~(a) Each of the following intervals is a~~) (3) An aggregate of
16 contributions includes only those contributions made to or received
17 from a single entity during any one special reporting period. Any
18 subsequent contribution of any size made to or received from the same
19 person or entity during the special reporting period must also be
20 reported.

21 (4) Special reporting periods, for purposes of this section,
22 include: (~~is~~)

23 (a) The (~~interval beginning after the~~) period (~~covered by~~)
24 beginning on the day after the last report required by RCW 42.17.080
25 and 42.17.090 (~~as recodified by this act~~) to be filed before a primary
26 and concluding on the end of the day before that primary; (~~and (ii)~~)

27 (b) The (~~interval composed of the~~) period twenty-one days
28 preceding a general election; and

29 (~~(b)~~) (c) An aggregate of contributions includes only those
30 contributions received from a single entity during any one special
31 reporting period or made by the contributing political committee to a
32 single entity during any one special reporting period.

33 (~~(2)~~) (5) If a campaign treasurer files a special report under
34 this section for one or more contributions received from a single
35 entity during a special reporting period, the treasurer shall also file
36 a special report under this section for each subsequent contribution of
37 any size which is received from that entity during the special
38 reporting period. If a political committee files a special report

1 under this section for a contribution or contributions made to a single
2 entity during a special reporting period, the political committee shall
3 also file a special report for each subsequent contribution of any size
4 which is made to that entity during the special reporting period.

5 ~~((3) Except as provided in subsection (4) of this section, the))~~
6 (6) Special reports required by this section shall be delivered
7 electronically or in written form, including but not limited to
8 mailgram, telegram, or nightletter. The special report may be
9 transmitted orally by telephone to the commission if the written form
10 of the report is postmarked and mailed to the commission or the
11 electronic filing is transferred to the commission within the delivery
12 periods established in (a) and (b) of this subsection.

13 (a) The special report required of a contribution recipient ~~((by))~~
14 under subsection (1) of this section shall be delivered to the
15 commission within forty-eight hours of the time, or on the first
16 working day after: The contribution of one thousand dollars or more is
17 received by the candidate or treasurer; the aggregate received by the
18 candidate or treasurer first equals one thousand dollars or more; or
19 ~~((the))~~ any subsequent contribution ~~((that must be reported under~~
20 ~~subsection (2) of this section))~~ from the same source is received by
21 the candidate or treasurer.

22 (b) The special report required of a contributor ~~((by))~~ under
23 subsection ~~((1))~~ (2) of this section or RCW 42.17.175 (as recodified
24 by this act) shall be delivered to the commission, and the candidate or
25 political committee to whom the contribution or contributions are made,
26 within twenty-four hours of the time, or on the first working day
27 after: The contribution is made; the aggregate of contributions made
28 first equals one thousand dollars or more; or ~~((the))~~ any subsequent
29 contribution ~~((that must be reported under subsection (2) of this~~
30 ~~section))~~ to the same person or entity is made.

31 ~~((4) The special report may be transmitted orally by telephone to~~
32 ~~the commission to satisfy the delivery period required by subsection~~
33 ~~(3) of this section if the written form of the report is also mailed to~~
34 ~~the commission and postmarked within the delivery period established in~~
35 ~~subsection (3) of this section or the file transfer date of the~~
36 ~~electronic filing is within the delivery period established in~~
37 ~~subsection (3) of this section.~~

38 ~~(5))~~ (7) The special report shall include ~~((at least))~~:

- 1 (a) The amount of the contribution or contributions;
2 (b) The date or dates of receipt;
3 (c) The name and address of the donor;
4 (d) The name and address of the recipient; and
5 (e) Any other information the commission may by rule require.

6 ~~((+6))~~ (8) Contributions reported under this section shall also be
7 reported as required by other provisions of this chapter.

8 ~~((+7))~~ (9) The commission shall prepare daily a summary of the
9 special reports made under this section and RCW 42.17.175 (as
10 recodified by this act).

11 ~~((+8)) It is a violation of this chapter for any person to make, or~~
12 ~~for any candidate or political committee to accept from any one person,~~
13 ~~contributions reportable under RCW 42.17.090 in the aggregate exceeding~~
14 ~~fifty thousand dollars for any campaign for statewide office or~~
15 ~~exceeding five thousand dollars for any other campaign subject to the~~
16 ~~provisions of this chapter within twenty one days of a general~~
17 ~~election. This subsection does not apply to contributions made by, or~~
18 ~~accepted from, a bona fide political party as defined in this chapter,~~
19 ~~excluding the county central committee or legislative district~~
20 ~~committee.~~

21 ~~(+9))~~ (10) Contributions governed by this section include, but are
22 not limited to, contributions made or received indirectly through a
23 third party or entity whether the contributions are or are not reported
24 to the commission as earmarked contributions under RCW 42.17.135 (as
25 recodified by this act).

26 **Sec. 415.** RCW 42.17.550 and 1993 c 2 s 23 are each amended to read
27 as follows:

28 A person or entity, other than a party organization ~~((making))~~,
29 must disclose an independent expenditure ~~((by))~~ that consists of
30 mailing one thousand or more identical or nearly identical cumulative
31 pieces of political advertising in a single calendar year ~~((shall))~~.
32 A report must be made within two working days after the date of the
33 mailing, ~~((file a statement))~~ disclosing the number of pieces in the
34 mailing and an example of the mailed political advertising ~~((with))~~.
35 The report must be sent to the election officer of the county ~~((or))~~ of
36 residence ~~((for))~~ of the candidate supported or opposed by the
37 independent campaign expenditure ~~((or))~~. In the case of an

1 expenditure made in support of or in opposition to a ballot
2 proposition, the report must be sent to the county of residence (~~(for)~~)
3 of the person making the expenditure.

4 **Sec. 416.** RCW 42.17.561 and 2005 c 445 s 1 are each amended to
5 read as follows:

6 (1) The legislature finds that:

7 ~~((1))~~ (a) Timely disclosure to voters of the identity and sources
8 of funding for electioneering communications is vitally important to
9 the integrity of state, local, and judicial elections.

10 ~~((2))~~ (b) Electioneering communications that identify political
11 candidates for state, local, or judicial office and that are
12 distributed sixty days before an election for those offices are
13 intended to influence voters and the outcome of those elections.

14 ~~((3))~~ (c) The state has a compelling interest in providing voters
15 information about electioneering communications in political campaigns
16 concerning candidates for state, local, or judicial office so that
17 voters can be fully informed as to the: ~~((a))~~ (i) Source of support
18 or opposition to those candidates; and ~~((b))~~ (ii) identity of persons
19 attempting to influence the outcome of state, local, and judicial
20 candidate elections.

21 ~~((4))~~ (d) Nondisclosure of financial information about
22 advertising that masquerades as relating only to issues and not to
23 candidate campaigns fosters corruption or the appearance of corruption.
24 These consequences can be substantially avoided by full disclosure of
25 the identity and funding of those persons paying for such advertising.

26 ~~((5))~~ (e) The United States supreme court held in *McConnell et*
27 *al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157
28 L.Ed.2d 491 (2003) that speakers seeking to influence elections do not
29 possess an inviolable free speech right to engage in electioneering
30 communications regarding elections, including when issue advocacy is
31 the functional equivalent of express advocacy. Therefore, such
32 election campaign communications can be regulated and the source of
33 funding disclosed.

34 ~~((6))~~ (f) The state ~~((also))~~ has a sufficiently compelling
35 interest in preventing corruption in political campaigns to justify and
36 restore contribution limits and restrictions on the use of soft money
37 in RCW 42.17.640 (as recodified by this act). Those interests include

1 restoring restrictions on the use of such funds for electioneering
2 communications, as well as the laws preventing circumvention of those
3 limits and restrictions.

4 (2) Based upon the findings in this section, chapter 445, Laws of
5 2005 is narrowly tailored to accomplish the following and is intended
6 to:

7 (a) Improve the disclosure to voters of information concerning
8 persons and entities seeking to influence state, local, and judicial
9 campaigns through reasonable and effective mechanisms, including
10 improving disclosure of the source, identity, and funding of
11 electioneering communications concerning state, local, and judicial
12 candidate campaigns;

13 (b) Regulate electioneering communications that mention state,
14 local, and judicial candidates and that are broadcast, mailed, erected,
15 distributed, or otherwise published right before the election so that
16 the public knows who is paying for such communications;

17 (c) Reenact and amend the contribution limits in RCW 42.17.640 (7)
18 and (15) (as recodified by this act) and the restrictions on the use of
19 soft money, including as applied to electioneering communications, as
20 those limits and restrictions were in effect following the passage of
21 chapter 2, Laws of 1993 (Initiative Measure No. 134) and before the
22 state supreme court decision in *Washington State Republican Party v.*
23 *Washington State Public Disclosure Commission*, 141 Wn.2d 245, 4 P.3d
24 808 (2000). The commission is authorized to fully restore the
25 implementation of the limits and restrictions of RCW 42.17.640 (7) and
26 (15) (as recodified by this act) in light of *McConnell et al. v.*
27 *Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d
28 491 (2003). The United States supreme court upheld the disclosure and
29 regulation of electioneering communications in political campaigns,
30 including but not limited to issue advocacy that is the functional
31 equivalent of express advocacy; and

32 (d) Authorize the commission to adopt rules to implement chapter
33 445, Laws of 2005.

34 **Sec. 417.** RCW 42.17.565 and 2005 c 445 s 3 are each amended to
35 read as follows:

36 (1) A payment for or promise to pay for any electioneering

1 communication shall be reported to the commission by the sponsor on
2 forms the commission shall develop by rule to include, at a minimum,
3 the following information:

4 (a) Name and address of the sponsor;

5 (b) Source of funds for the communication, including:

6 (i) General treasury funds. The name and address of businesses,
7 unions, groups, associations, or other organizations using general
8 treasury funds for the communication, however, if a business, union,
9 group, association, or other organization undertakes a special
10 solicitation of its members or other persons for an electioneering
11 communication, or it otherwise receives funds for an electioneering
12 communication, that entity shall report pursuant to (b)(ii) of this
13 subsection;

14 (ii) Special solicitations and other funds. The name, address,
15 and, for individuals, occupation and employer, of a person whose funds
16 were used to pay for the electioneering communication, along with the
17 amount, if such funds from the person have exceeded two hundred fifty
18 dollars in the aggregate for the electioneering communication; and

19 (iii) Any other source information required or exempted by the
20 commission by rule;

21 (c) Name and address of the person to whom an electioneering
22 communication related expenditure was made;

23 (d) A detailed description of each expenditure of more than one
24 hundred dollars;

25 (e) The date the expenditure was made and the date the
26 electioneering communication was first broadcast, transmitted, mailed,
27 erected, distributed, or otherwise published;

28 (f) The amount of the expenditure;

29 (g) The name of each candidate clearly identified in the
30 electioneering communication, the office being sought by each
31 candidate, and the amount of the expenditure attributable to each
32 candidate; and

33 (h) Any other information the commission may require or exempt by
34 rule.

35 (2) Electioneering communications shall be reported as follows:
36 The sponsor of an electioneering communication shall report to the
37 commission within twenty-four hours of, or on the first working day

1 after, the date the electioneering communication is broadcast,
2 transmitted, mailed, erected, distributed, or otherwise published.

3 (3) Electioneering communications shall be reported electronically
4 by the sponsor using software provided or approved by the commission.
5 The commission may make exceptions on a case-by-case basis for a
6 sponsor who lacks the technological ability to file reports using the
7 electronic means provided or approved by the commission.

8 (4) All persons required to report under RCW 42.17.065, 42.17.080,
9 42.17.090, and 42.17.100 (as recodified by this act) are subject to the
10 requirements of this section, although the commission may determine by
11 rule that persons filing according to those sections may be exempt from
12 reporting some of the information otherwise required by this section.
13 The commission may determine that reports filed pursuant to this
14 section also satisfy the requirements of RCW 42.17.100 and 42.17.103
15 (as recodified by this act).

16 (5) Failure of any sponsor to report electronically under this
17 section shall be a violation of this chapter.

18 **Sec. 418.** RCW 42.17.570 and 2005 c 445 s 4 are each amended to
19 read as follows:

20 (1) An electioneering communication made by a person in
21 cooperation, consultation, or concert with, or at the request or
22 suggestion of, a candidate, a candidate's authorized committee, or
23 their agents is a contribution to the candidate.

24 (2) An electioneering communication made by a person in
25 cooperation, consultation, or concert with, or at the request or
26 suggestion of, a political committee or its agents is a contribution to
27 the political committee.

28 (3) If an electioneering communication is not a contribution
29 pursuant to subsection (1) or (2) of this section, the sponsor shall
30 file an affidavit or declaration so stating at the time the sponsor is
31 required to report the electioneering communication expense under RCW
32 42.17.565 (as recodified by this act).

33 **Sec. 419.** RCW 42.17.575 and 2005 c 445 s 5 are each amended to
34 read as follows:

35 (1) The sponsor of an electioneering communication shall preserve
36 all financial records relating to the communication, including books of

1 account, bills, receipts, contributor information, and ledgers, for not
2 less than five calendar years following the year in which the
3 communication was broadcast, transmitted, mailed, erected, or otherwise
4 published.

5 (2) All reports filed under RCW 42.17.565 (as recodified by this
6 act) shall be certified as correct by the sponsor. If the sponsor is
7 an individual using his or her own funds to pay for the communication,
8 the certification shall be signed by the individual. If the sponsor is
9 a political committee, the certification shall be signed by the
10 committee treasurer. If the sponsor is another entity, the
11 certification shall be signed by the individual responsible for
12 authorizing the expenditure on the entity's behalf.

13 **Sec. 420.** RCW 42.17.135 and 1989 c 280 s 13 are each amended to
14 read as follows:

15 A candidate or political committee receiving a contribution
16 earmarked for the benefit of another candidate or political committee
17 shall:

18 (1) Report the contribution as required in RCW 42.17.080 and
19 42.17.090 (as recodified by this act);

20 (2) Complete a report, entitled "Earmarked contributions," on a
21 form prescribed by the commission (~~(by rule, which)~~) that identifies
22 the name and address of the person who made the contribution, the
23 candidate or political committee for whose benefit the contribution is
24 earmarked, the amount of the contribution, and the date (~~(on which)~~)
25 that the contribution was received; and

26 (3) (~~Notify~~) Mail or deliver to the commission and the candidate
27 or political committee (~~(for whose benefit)~~) benefiting from the
28 contribution (~~(is earmarked regarding the receipt of the contribution~~
29 ~~by mailing or delivering to the commission and to the candidate or~~
30 ~~committee)~~) a copy of the "Earmarked contributions" report within two
31 working days of receipt of the contribution. (~~(Such notice shall be~~
32 ~~given within two working days of receipt of the contribution.)~~)

33 (4) A candidate or political committee receiving (~~(notification~~
34 ~~of)~~) an earmarked contribution under subsection (3) of this section
35 shall report the contribution (~~(, once the contribution is received by~~
36 ~~the candidate or committee,)~~) in the same manner as (~~(the receipt of)~~)

1 any other contribution (~~is disclosed in reports~~), as required by RCW
2 42.17.080 and 42.17.090 (as recodified by this act).

3 **PART 5**

4 **POLITICAL ADVERTISING AND ELECTIONEERING COMMUNICATIONS**

5 **Sec. 501.** RCW 42.17.510 and 2005 c 445 s 9 are each amended to
6 read as follows:

7 (1) All written political advertising, whether relating to
8 candidates or ballot propositions, shall include the sponsor's name and
9 address. All radio and television political advertising, whether
10 relating to candidates or ballot propositions, shall include the
11 sponsor's name. The use of an assumed name for the sponsor of
12 electioneering communications, independent expenditures, or political
13 advertising (~~shall be~~) is unlawful. For partisan office, if a
14 candidate has expressed a party or independent preference on the
15 declaration of candidacy, that party or independent designation shall
16 be clearly identified in electioneering communications, independent
17 expenditures, or political advertising.

18 (2) In addition to the materials required by subsection (1) of this
19 section, except as specifically addressed in subsections (4) and (5) of
20 this section, all political advertising undertaken as an independent
21 expenditure by a person or entity other than a party organization, and
22 all electioneering communications, must include the following statement
23 as part of the communication "NOTICE TO VOTERS (Required by law): This
24 advertisement is not authorized or approved by any candidate. It is
25 paid for by (name, address, city, state)." If the advertisement
26 undertaken as an independent expenditure or electioneering
27 communication is (~~undertaken~~) by a nonindividual other than a party
28 organization, then the following notation must also be included: "Top
29 Five Contributors," followed by a listing of the names of the five
30 persons or entities making the largest contributions in excess of seven
31 hundred dollars reportable under this chapter during the twelve-month
32 period before the date of the advertisement or communication.

33 (3) The statements and listings of contributors required by
34 subsections (1) and (2) of this section shall:

35 (a) Appear on the first page or fold of the written advertisement
36 or communication in at least ten-point type, or in type at least ten

1 percent of the largest size type used in a written advertisement or
2 communication directed at more than one voter, such as a billboard or
3 poster, whichever is larger;

4 (b) Not be subject to the half-tone or screening process; and

5 (c) Be set apart from any other printed matter.

6 (4) In an independent expenditure or electioneering communication
7 transmitted via television or other medium that includes a visual
8 image, the following statement must either be clearly spoken, or appear
9 in print and be visible for at least four seconds, appear in letters
10 greater than four percent of the visual screen height, and have a
11 reasonable color contrast with the background: "No candidate
12 authorized this ad. Paid for by (name, city, state)." If the
13 advertisement or communication is (~~undertaken~~) by a nonindividual
14 other than a party organization, then the following notation must also
15 be included: "Top Five Contributors" followed by a listing of the
16 names of the five persons or entities making the largest contributions
17 in excess of seven hundred dollars reportable under this chapter during
18 the twelve-month period before the date of the advertisement.
19 Abbreviations may be used to describe contributing entities if the full
20 name of the entity has been clearly spoken previously during the
21 broadcast advertisement.

22 (5) The following statement shall be clearly spoken in an
23 independent expenditure or electioneering communication transmitted by
24 a method that does not include a visual image: "No candidate
25 authorized this ad. Paid for by (name, city, state)." If the
26 independent expenditure or electioneering communication is undertaken
27 by a nonindividual other than a party organization, then the following
28 statement must also be included: "Top Five Contributors" followed by
29 a listing of the names of the five persons or entities making the
30 largest contributions in excess of seven hundred dollars reportable
31 under this chapter during the twelve-month period before the date of
32 the advertisement. Abbreviations may be used to describe contributing
33 entities if the full name of the entity has been clearly spoken
34 previously during the broadcast advertisement.

35 (6) Political yard signs are exempt from the requirement of
36 subsections (1) and (2) of this section that the name and address of
37 the sponsor of political advertising be listed on the advertising. In
38 addition, the public disclosure commission shall, by rule, exempt from

1 the identification requirements of subsections (1) and (2) of this
2 section forms of political advertising such as campaign buttons,
3 balloons, pens, pencils, sky-writing, inscriptions, and other forms of
4 advertising where identification is impractical.

5 (7) For the purposes of this section, "yard sign" means any outdoor
6 sign with dimensions no greater than eight feet by four feet.

7 **Sec. 502.** RCW 42.17.520 and 1984 c 216 s 2 are each amended to
8 read as follows:

9 At least one picture of the candidate used in any political
10 advertising shall have been taken within the last five years and shall
11 be no smaller than (~~the largest~~) any other picture of the same
12 candidate used in the same advertisement.

13 **Sec. 503.** RCW 42.17.540 and 1984 c 216 s 4 are each amended to
14 read as follows:

15 (1) Except as provided in subsection (2) of this section, the
16 responsibility for compliance with RCW 42.17.510 through 42.17.530 (as
17 recodified by this act) shall (~~rest~~) be with the sponsor of the
18 political advertising and not with the broadcasting station or other
19 medium.

20 (2) If a broadcasting station or other medium changes the content
21 of a political advertisement, the station or medium shall be
22 responsible for any failure of the advertisement to comply with RCW
23 42.17.510 through 42.17.530 (as recodified by this act) that results
24 from that change.

25 **Sec. 504.** RCW 42.17.110 and 2005 c 445 s 8 are each amended to
26 read as follows:

27 (1) Each commercial advertiser who has accepted or provided
28 political advertising or electioneering communications during the
29 election campaign shall maintain documents and books of account that
30 shall be open for public inspection during normal business hours during
31 the campaign and for a period of no less than three years after the
32 date of the applicable election(~~, during normal business hours,~~).
33 The documents and books of account (~~which~~) shall specify:

34 (a) The names and addresses of persons from whom it accepted
35 political advertising or electioneering communications;

1 (b) The exact nature and extent of the services rendered; and
2 (c) The ~~((consideration))~~ total cost and the manner of ~~((paying~~
3 ~~that consideration for such))~~ payment for the services.

4 (2) At the request of the commission, each commercial advertiser
5 ~~((which must))~~ required to comply with subsection (1) of this section
6 shall deliver to the commission~~((, upon its request,))~~ copies of
7 ~~((such))~~ the information ~~((as))~~ that must be maintained and be open for
8 public inspection pursuant to subsection (1) of this section.

9 **PART 6**

10 **CAMPAIGN CONTRIBUTION LIMITS AND OTHER RESTRICTIONS**

11 **Sec. 601.** RCW 42.17.610 and 1993 c 2 s 1 are each amended to read
12 as follows:

13 (1) The people of the state of Washington find and declare that:

14 ~~((1))~~ (a) The financial strength of certain individuals or
15 organizations should not permit them to exercise a disproportionate or
16 controlling influence on the election of candidates.

17 ~~((2))~~ (b) Rapidly increasing political campaign costs have led
18 many candidates to raise larger percentages of money from special
19 interests with a specific financial stake in matters before state
20 government. This has caused the public perception that decisions of
21 elected officials are being improperly influenced by monetary
22 contributions.

23 ~~((3))~~ (c) Candidates are raising less money in small
24 contributions from individuals and more money from special interests.
25 This has created the public perception that individuals have an
26 insignificant role to play in the political process.

27 (2) By limiting campaign contributions, the people intend to:

28 (a) Ensure that individuals and interest groups have fair and equal
29 opportunity to influence elective and governmental processes;

30 (b) Reduce the influence of large organizational contributors; and

31 (c) Restore public trust in governmental institutions and the
32 electoral process.

33 **Sec. 602.** RCW 42.17.640 and 2006 c 348 s 1 are each amended to
34 read as follows:

35 (1) The contribution limits in this section apply to:

- 1 (a) Candidates for ((state)) legislative office;
- 2 (b) Candidates for state office other than ((state)) legislative
3 office;
- 4 (c) Candidates for county office in a county that has over two
5 hundred thousand registered voters;
- 6 (d) Candidates for special purpose district office if that district
7 is authorized to provide freight and passenger transfer and terminal
8 facilities and that district has over two hundred thousand registered
9 voters;
- 10 (e) Persons holding an office in (a) through (d) of this subsection
11 against whom recall charges have been filed or to a political committee
12 having the expectation of making expenditures in support of the recall
13 of a person holding the office;
- 14 (f) Caucus political committees;
- 15 (g) Bona fide political parties.
- 16 (2) No person, other than a bona fide political party or a caucus
17 political committee, may make contributions to a candidate for a
18 ((state)) legislative office or county office that in the aggregate
19 exceed seven hundred dollars or to a candidate for a public office in
20 a special purpose district or a state office other than a ((state))
21 legislative office that in the aggregate exceed one thousand four
22 hundred dollars for each election in which the candidate is on the
23 ballot or appears as a write-in candidate. Contributions to candidates
24 subject to the limits in this section made with respect to a primary
25 may not be made after the date of the primary. However, contributions
26 to a candidate or a candidate's authorized committee may be made with
27 respect to a primary until thirty days after the primary, subject to
28 the following limitations: (a) The candidate lost the primary; (b) the
29 candidate's authorized committee has insufficient funds to pay debts
30 outstanding as of the date of the primary; and (c) the contributions
31 may only be raised and spent to satisfy the outstanding debt.
32 Contributions to candidates subject to the limits in this section made
33 with respect to a general election may not be made after the final day
34 of the applicable election cycle.
- 35 (3) No person, other than a bona fide political party or a caucus
36 political committee, may make contributions to a state official, a
37 county official, or a public official in a special purpose district
38 against whom recall charges have been filed, or to a political

1 committee having the expectation of making expenditures in support of
2 the recall of the state official, county official, or public official
3 in a special purpose district during a recall campaign that in the
4 aggregate exceed seven hundred dollars if for a ((state)) legislative
5 office or county office or one thousand four hundred dollars if for a
6 special purpose district office or a state office other than a
7 ((state)) legislative office.

8 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
9 political party or caucus political committee may make contributions to
10 a candidate during an election cycle that in the aggregate exceed (i)
11 seventy cents multiplied by the number of eligible registered voters in
12 the jurisdiction from which the candidate is elected if the contributor
13 is a caucus political committee or the governing body of a state
14 organization, or (ii) thirty-five cents multiplied by the number of
15 registered voters in the jurisdiction from which the candidate is
16 elected if the contributor is a county central committee or a
17 legislative district committee.

18 (b) No candidate may accept contributions from a county central
19 committee or a legislative district committee during an election cycle
20 that when combined with contributions from other county central
21 committees or legislative district committees would in the aggregate
22 exceed thirty-five cents times the number of registered voters in the
23 jurisdiction from which the candidate is elected.

24 (5)(a) Notwithstanding subsection (3) of this section, no bona fide
25 political party or caucus political committee may make contributions to
26 a state official, county official, or a public official in a special
27 purpose district against whom recall charges have been filed, or to a
28 political committee having the expectation of making expenditures in
29 support of the state official, county official, or a public official in
30 a special purpose district during a recall campaign that in the
31 aggregate exceed (i) seventy cents multiplied by the number of eligible
32 registered voters in the jurisdiction entitled to recall the state
33 official if the contributor is a caucus political committee or the
34 governing body of a state organization, or (ii) thirty-five cents
35 multiplied by the number of registered voters in the jurisdiction from
36 which the candidate is elected if the contributor is a county central
37 committee or a legislative district committee.

1 (b) No official holding an office specified in subsection (1) of
2 this section against whom recall charges have been filed, no authorized
3 committee of the official, and no political committee having the
4 expectation of making expenditures in support of the recall of the
5 official may accept contributions from a county central committee or a
6 legislative district committee during an election cycle that when
7 combined with contributions from other county central committees or
8 legislative district committees would in the aggregate exceed thirty-
9 five cents multiplied by the number of registered voters in the
10 jurisdiction from which the candidate is elected.

11 (6) For purposes of determining contribution limits under
12 subsections (4) and (5) of this section, the number of eligible
13 registered voters in a jurisdiction is the number at the time of the
14 most recent general election in the jurisdiction.

15 (7) Notwithstanding subsections (2) through (5) of this section, no
16 person other than an individual, bona fide political party, or caucus
17 political committee may make contributions reportable under this
18 chapter to a caucus political committee that in the aggregate exceed
19 seven hundred dollars in a calendar year or to a bona fide political
20 party that in the aggregate exceed three thousand five hundred dollars
21 in a calendar year. This subsection does not apply to loans made in
22 the ordinary course of business.

23 (8) For the purposes of RCW 42.17.640 through 42.17.790 (as
24 recodified by this act), a contribution to the authorized political
25 committee of a candidate or of an official specified in subsection (1)
26 of this section against whom recall charges have been filed is
27 considered to be a contribution to the candidate or official.

28 (9) A contribution received within the twelve-month period after a
29 recall election concerning an office specified in subsection (1) of
30 this section is considered to be a contribution during that recall
31 campaign if the contribution is used to pay a debt or obligation
32 incurred to influence the outcome of that recall campaign.

33 (10) The contributions allowed by subsection (3) of this section
34 are in addition to those allowed by subsection (2) of this section, and
35 the contributions allowed by subsection (5) of this section are in
36 addition to those allowed by subsection (4) of this section.

37 (11) RCW 42.17.640 through 42.17.790 (as recodified by this act)
38 apply to a special election conducted to fill a vacancy in an office

1 specified in subsection (1) of this section. However, the
2 contributions made to a candidate or received by a candidate for a
3 primary or special election conducted to fill such a vacancy shall not
4 be counted toward any of the limitations that apply to the candidate or
5 to contributions made to the candidate for any other primary or
6 election.

7 (12) Notwithstanding the other subsections of this section, no
8 corporation or business entity not doing business in Washington state,
9 no labor union with fewer than ten members who reside in Washington
10 state, and no political committee that has not received contributions
11 of ten dollars or more from at least ten persons registered to vote in
12 Washington state during the preceding one hundred eighty days may make
13 contributions reportable under this chapter to a state office
14 candidate, to a state official against whom recall charges have been
15 filed, or to a political committee having the expectation of making
16 expenditures in support of the recall of the official. This subsection
17 does not apply to loans made in the ordinary course of business.

18 (13) Notwithstanding the other subsections of this section, no
19 county central committee or legislative district committee may make
20 contributions reportable under this chapter to a candidate specified in
21 subsection (1) of this section, or an official specified in subsection
22 (1) of this section against whom recall charges have been filed, or
23 political committee having the expectation of making expenditures in
24 support of the recall of an official specified in subsection (1) of
25 this section if the county central committee or legislative district
26 committee is outside of the jurisdiction entitled to elect the
27 candidate or recall the official.

28 (14) No person may accept contributions that exceed the
29 contribution limitations provided in this section.

30 (15) The following contributions are exempt from the contribution
31 limits of this section:

32 (a) An expenditure or contribution earmarked for voter
33 registration, for absentee ballot information, for precinct caucuses,
34 for get-out-the-vote campaigns, for precinct judges or inspectors, for
35 sample ballots, or for ballot counting, all without promotion of or
36 political advertising for individual candidates; or

37 (b) An expenditure by a political committee for its own internal

1 organization or fund raising without direct association with individual
2 candidates.

3 NEW SECTION. **Sec. 603.** REPORTABLE CONTRIBUTIONS--PREELECTION
4 LIMITATIONS. (1) It is a violation of this chapter for any person to
5 make, or for any candidate or political committee to accept from any
6 one person, contributions reportable under RCW 42.17.090 (as recodified
7 by this act) in the aggregate exceeding fifty thousand dollars for any
8 campaign for statewide office or exceeding five thousand dollars for
9 any other campaign subject to the provisions of this chapter within
10 twenty-one days of a general election. This subsection does not apply
11 to contributions made by, or accepted from, a bona fide political party
12 as defined in this chapter, excluding the county central committee or
13 legislative district committee.

14 (2) Contributions governed by this section include, but are not
15 limited to, contributions made or received indirectly through a third
16 party or entity whether the contributions are or are not reported to
17 the commission as earmarked contributions under RCW 42.17.135 (as
18 recodified by this act).

19 **Sec. 604.** RCW 42.17.070 and 1989 c 280 s 7 are each amended to
20 read as follows:

21 No expenditures may be made or incurred by any candidate or
22 political committee (~~(except on the authority of)~~) unless authorized by
23 the treasurer or the candidate(~~(, and)~~). A record of all such
24 expenditures shall be maintained by the treasurer.

25 No expenditure of more than fifty dollars may be made in currency
26 unless a receipt, signed by the recipient and by the candidate or
27 treasurer, is prepared and made a part of the campaign's or political
28 committee's financial records.

29 **Sec. 605.** RCW 42.17.095 and 2005 c 467 s 1 are each amended to
30 read as follows:

31 The surplus funds of a candidate(~~(,)~~) or (~~(of a political committee~~
32 ~~supporting or opposing a candidate,~~) a candidate's authorized
33 committee may only be disposed of in any one or more of the following
34 ways:

1 (1) Return the surplus to a contributor in an amount not to exceed
2 that contributor's original contribution;

3 (2) (~~Transfer the surplus to the candidate's personal account as~~
4 ~~reimbursement~~) Reimburse the candidate for lost earnings incurred as
5 a result of that candidate's election campaign. (~~Such~~) Lost earnings
6 shall be verifiable as unpaid salary or, when the candidate is not
7 salaried, as an amount not to exceed income received by the candidate
8 for services rendered during an appropriate, corresponding time period.
9 All lost earnings incurred shall be documented and a record thereof
10 shall be maintained by the candidate or the candidate's (~~political~~)
11 authorized committee. The committee shall (~~include~~) maintain a copy
12 of (~~such~~) this record (~~when its expenditure for such reimbursement~~
13 ~~is reported pursuant to RCW 42.17.090~~) in accordance with RCW
14 42.17.080(6) (as recodified by this act);

15 (3) Transfer the surplus without limit to a political party or to
16 a caucus political committee;

17 (4) Donate the surplus to a charitable organization registered in
18 accordance with chapter 19.09 RCW;

19 (5) Transmit the surplus to the state treasurer for deposit in the
20 general fund, the oral history, state library, and archives account
21 under RCW 43.07.380, or the legislative international trade account
22 under RCW (~~44.04.270~~) 43.15.050, as specified by the candidate or
23 political committee; or

24 (6) Hold the surplus in the (~~campaign~~) depository or depositories
25 designated in accordance with (~~RCW 42.17.050~~) section 404 of this act
26 for possible use in a future election campaign for the same office last
27 sought by the candidate and report any such disposition in accordance
28 with RCW 42.17.090(~~PROVIDED, That~~) (as recodified by this act).
29 If the candidate subsequently announces or publicly files for office,
30 the appropriate information (~~as appropriate is~~) must be reported to
31 the commission in accordance with RCW 42.17.040 through 42.17.090 (as
32 recodified by this act). If a subsequent office is not sought the
33 surplus held shall be disposed of in accordance with the requirements
34 of this section.

35 (7) Hold the surplus campaign funds in a separate account for
36 nonreimbursed public office-related expenses or as provided in this
37 section, and report any such disposition in accordance with RCW

1 42.17.090 (as recodified by this act). The separate account required
2 under this subsection shall not be used for deposits of campaign funds
3 that are not surplus.

4 (8) No candidate or authorized committee may transfer funds to any
5 other candidate or other political committee.

6 The disposal of surplus funds under this section shall not be
7 considered a contribution for purposes of this chapter.

8 NEW SECTION. Sec. 606. CANDIDATES' POLITICAL COMMITTEES--
9 LIMITATIONS. A candidate may not knowingly establish, use, direct, or
10 control more than one political committee for the purpose of supporting
11 that candidate during a particular election campaign. This does not
12 prohibit: (1) In addition to a candidate's having his or her own
13 political committee, the candidate's participation in a political
14 committee established to support a slate of candidates that includes
15 the candidate; or (2) joint fund-raising efforts by candidates when a
16 separate political committee is established for that purpose and all
17 contributions are disbursed to and accounted for on a pro rata basis by
18 the benefiting candidates.

19 **Sec. 607.** RCW 42.17.125 and 1995 c 397 s 29 are each amended to
20 read as follows:

21 Contributions received and reported in accordance with RCW
22 42.17.060 through 42.17.090 (as recodified by this act) may only be
23 ~~((transferred))~~ paid to ~~((the personal account of))~~ a candidate, or
24 ~~((of))~~ a treasurer or other individual or expended for such
25 individual's personal use under the following circumstances:

26 (1) Reimbursement for or ~~((loans))~~ payments to cover lost earnings
27 incurred as a result of campaigning or services performed for the
28 political committee. ~~((Such))~~ Lost earnings shall be verifiable as
29 unpaid salary, or when the individual is not salaried, as an amount not
30 to exceed income received by the individual for services rendered
31 during an appropriate, corresponding time period. All lost earnings
32 incurred shall be documented and a record ~~((thereof))~~ shall be
33 maintained by the ~~((individual))~~ candidate or the ~~((individual's~~
34 ~~political))~~ candidate's authorized committee in accordance with RCW
35 42.17.080 (as recodified by this act). ~~((The political committee shall~~

1 ~~include a copy of such record when its expenditure for such~~
2 ~~reimbursement is reported pursuant to RCW 42.17.090.)~~)

3 (2) Reimbursement for direct out-of-pocket election campaign and
4 postelection campaign related expenses made by the individual. To
5 receive reimbursement from the political committee, the individual
6 shall provide the political committee with written documentation as to
7 the amount, date, and description of each expense, and the political
8 committee shall include a copy of such information when its expenditure
9 for such reimbursement is reported pursuant to RCW 42.17.090 (as
10 recodified by this act).

11 (3) Repayment of loans made by the individual to political
12 committees(~~(, which repayment)~~) shall be reported pursuant to RCW
13 42.17.090 (as recodified by this act). However, contributions may not
14 be used to reimburse a candidate for loans totaling more than (~~(three)~~)
15 four thousand three hundred dollars made by the candidate to the
16 candidate's own (~~(political)~~) authorized committee (~~(or campaign)~~).

17 **Sec. 608.** RCW 42.17.660 and 2005 c 445 s 12 are each amended to
18 read as follows:

19 For purposes of this chapter:

20 (1) A contribution by a political committee with funds that have
21 all been contributed by one person who exercises exclusive control over
22 the distribution of the funds of the political committee is a
23 contribution by the controlling person.

24 (2) Two or more entities are treated as a single entity if one of
25 the two or more entities is a subsidiary, branch, or department of a
26 corporation that is participating in an election campaign or making
27 contributions, or a local unit or branch of a trade association, labor
28 union, or collective bargaining association that is participating in an
29 election campaign or making contributions. All contributions made by
30 a person or political committee whose contribution or expenditure
31 activity is financed, maintained, or controlled by a trade association,
32 labor union, collective bargaining organization, or the local unit of
33 a trade association, labor union, or collective bargaining organization
34 are considered made by the trade association, labor union, collective
35 bargaining organization, or local unit of a trade association, labor
36 union, or collective bargaining organization.

1 (3) The commission shall adopt rules to carry out this section and
2 is not subject to the time restrictions of RCW 42.17.370(1) (as
3 recodified by this act).

4 **Sec. 609.** RCW 42.17.720 and 1995 c 397 s 22 are each amended to
5 read as follows:

6 (1) A loan is considered to be a contribution from the lender and
7 any guarantor of the loan and is subject to the contribution
8 limitations of this chapter. The full amount of the loan shall be
9 attributed to the lender and to each guarantor.

10 (2) A loan to a candidate for public office or the candidate's
11 (~~political~~) authorized committee must be by written agreement.

- 12 (3) The proceeds of a loan made to a candidate for public office:
13 (a) By a commercial lending institution;
14 (b) Made in the regular course of business; and
15 (c) On the same terms ordinarily available to members of the
16 public, are not subject to the contribution limits of this chapter.

17 **Sec. 610.** RCW 42.17.740 and 1995 c 397 s 23 are each amended to
18 read as follows:

19 (1) A person may not make a contribution of more than (~~fifty~~)
20 seventy dollars, other than an in-kind contribution, except by a
21 written instrument containing the name of the donor and the name of the
22 payee.

23 (2) A political committee may not make a contribution, other than
24 in-kind, except by a written instrument containing the name of the
25 donor and the name of the payee.

26 **Sec. 611.** RCW 42.17.790 and 1995 c 397 s 27 are each amended to
27 read as follows:

28 (1) Except as provided in subsection (2) of this section, a
29 candidate for public office or the candidate's (~~political~~) authorized
30 committee may not use or permit the use of contributions, whether or
31 not surplus, solicited for or received by the candidate (~~for public~~
32 ~~office~~) or the candidate's (~~political~~) authorized committee to
33 further the candidacy of the individual for an office other than the
34 office designated on the statement of organization. A contribution
35 solicited for or received on behalf of the candidate (~~for public~~

1 ~~office~~) is considered solicited or received for the candidacy for
2 which the individual is then a candidate if the contribution is
3 solicited or received before the general election(~~s~~) for which the
4 candidate (~~for public office~~) is a nominee or is unopposed.

5 (2) With the written approval of the contributor, a candidate (~~for~~
6 ~~public office~~) or the candidate's (~~political~~) authorized committee
7 may use or permit the use of contributions, whether or not surplus,
8 solicited for or received by the candidate (~~for public office~~) or the
9 candidate's (~~political~~) authorized committee from that contributor to
10 further the candidacy of the individual for an office other than the
11 office designated on the statement of organization. If the contributor
12 does not approve the use of his or her contribution to further the
13 candidacy of the individual for an office other than the office
14 designated on the statement of organization at the time of the
15 contribution, the contribution must be considered surplus funds and
16 disposed of in accordance with RCW 42.17.095 (as recodified by this
17 act).

18 **Sec. 612.** RCW 42.17.680 and 2002 c 156 s 1 are each amended to
19 read as follows:

20 (1) No employer or labor organization may increase the salary of an
21 officer or employee, or (~~give an emolument to~~) compensate an officer,
22 employee, or other person or entity, with the intention that the
23 increase in salary, or the (~~emolument~~) compensation, or a part of it,
24 be contributed or spent to support or oppose a candidate, state
25 official against whom recall charges have been filed, political party,
26 or political committee.

27 (2) No employer or labor organization may discriminate against an
28 officer or employee in the terms or conditions of employment for (a)
29 the failure to contribute to, (b) the failure in any way to support or
30 oppose, or (c) in any way supporting or opposing a candidate, ballot
31 proposition, political party, or political committee. At least
32 annually, an employee from whom wages or salary are withheld under
33 subsection (3) of this section shall be notified of the provisions of
34 this subsection.

35 (3) No employer or other person or entity responsible for the
36 disbursement of funds in payment of wages or salaries may withhold or
37 divert a portion of an employee's wages or salaries for contributions

1 to political committees or for use as political contributions except
2 upon the written request of the employee. The request must be made on
3 a form prescribed by the commission informing the employee of the
4 prohibition against employer and labor organization discrimination
5 described in subsection (2) of this section. The employee may revoke
6 the request at any time. At least annually, the employee shall be
7 notified about the right to revoke the request.

8 (4) Each person or entity who withholds contributions under
9 subsection (3) of this section shall maintain open for public
10 inspection for a period of no less than three years, during normal
11 business hours, documents and books of accounts that shall include a
12 copy of each employee's request, the amounts and dates funds were
13 actually withheld, and the amounts and dates funds were transferred to
14 a political committee. Copies of such information shall be delivered
15 to the commission upon request.

16 **PART 7**

17 **PUBLIC OFFICIALS', EMPLOYEES', AND AGENCIES' CAMPAIGN**

18 **RESTRICTIONS, PROHIBITIONS, AND REPORTING**

19 **Sec. 701.** RCW 42.17.130 and 2006 c 215 s 2 are each amended to
20 read as follows:

21 No elective official nor any employee of his (~~(for her)~~) or her
22 office nor any person appointed to or employed by any public office or
23 agency may use or authorize the use of any of the facilities of a
24 public office or agency, directly or indirectly, for the purpose of
25 assisting a campaign for election of any person to any office or for
26 the promotion of or opposition to any ballot proposition. Facilities
27 of a public office or agency include, but are not limited to, use of
28 stationery, postage, machines, and equipment, use of employees of the
29 office or agency during working hours, vehicles, office space,
30 publications of the office or agency, and clientele lists of persons
31 served by the office or agency. However, this does not apply to the
32 following activities:

33 (1) Action taken at an open public meeting by members of an elected
34 legislative body or by an elected board, council, or commission of a
35 special purpose district including, but not limited to, fire districts,
36 public hospital districts, library districts, park districts, port

1 districts, public utility districts, school districts, sewer districts,
2 and water districts, to express a collective decision, or to actually
3 vote upon a motion, proposal, resolution, order, or ordinance, or to
4 support or oppose a ballot proposition so long as (a) any required
5 notice of the meeting includes the title and number of the ballot
6 proposition, and (b) members of the legislative body, members of the
7 board, council, or commission of the special purpose district, or
8 members of the public are afforded an approximately equal opportunity
9 for the expression of an opposing view;

10 (2) A statement by an elected official in support of or in
11 opposition to any ballot proposition at an open press conference or in
12 response to a specific inquiry;

13 (3) Activities which are part of the normal and regular conduct of
14 the office or agency.

15 (4) This section does not apply to any person who is a state
16 officer or state employee as defined in RCW 42.52.010.

17 **Sec. 702.** RCW 42.17.245 and 2005 c 274 s 282 are each amended to
18 read as follows:

19 After January 1st and before April 15th of each calendar year, the
20 state treasurer, each county, public utility district, and port
21 district treasurer, and each treasurer of an incorporated city or town
22 whose population exceeds one thousand shall file with the commission:

23 (1) A statement under oath that no public funds under that
24 treasurer's control were invested in any institution where the
25 treasurer or, in the case of a county, a member of the county finance
26 committee, held during the reporting period an office, directorship,
27 partnership interest, or ownership interest; or

28 (2) A report disclosing for the previous calendar year: (a) The
29 name and address of each financial institution in which the treasurer
30 or, in the case of a county, a member of the county finance committee,
31 held during the reporting period an office, directorship, partnership
32 interest, or ownership interest which holds or has held during the
33 reporting period public accounts of the governmental entity for which
34 the treasurer is responsible; (b) the aggregate sum of time and demand
35 deposits held in each such financial institution on December 31; and
36 (c) the highest balance held at any time during such reporting
37 period(~~(:—PROVIDED, That)~~). The state treasurer shall disclose the

1 highest balance information only upon a public records request under
2 chapter 42.56 RCW. The statement or report required by this section
3 shall be filed either with the statement required under RCW 42.17.240
4 (as recodified by this act) or separately.

5 **PART 8**

6 **LOBBYING DISCLOSURE AND RESTRICTIONS**

7 **Sec. 801.** RCW 42.17.150 and 1987 c 201 s 1 are each amended to
8 read as follows:

9 (1) Before (~~doing any~~) lobbying, or within thirty days after
10 being employed as a lobbyist, whichever occurs first, a lobbyist shall
11 register by filing with the commission a lobbyist registration
12 statement, in such detail as the commission shall prescribe,
13 (~~showing~~) that includes the following information:

14 (a) (~~His~~) The lobbyist's name, permanent business address, and
15 any temporary residential and business addresses in Thurston county
16 during the legislative session;

17 (b) The name, address and occupation or business of the lobbyist's
18 employer;

19 (c) The duration of (~~his~~) the lobbyist's employment;

20 (d) (~~His~~) The compensation to be received for lobbying(~~or how~~
21 ~~much he is~~), the amount to be paid for expenses, and what expenses are
22 to be reimbursed;

23 (e) Whether the (~~person from whom he receives said compensation~~
24 ~~employs him~~) lobbyist is employed solely as a lobbyist or whether
25 (~~he~~) the lobbyist is a regular employee performing services for his
26 or her employer which include but are not limited to the influencing of
27 legislation;

28 (f) The general subject or subjects (~~of his legislative interest~~)
29 to be lobbied;

30 (g) A written authorization from each of the lobbyist's employers
31 confirming such employment;

32 (h) The name and address of the person who will have custody of the
33 accounts, bills, receipts, books, papers, and documents required to be
34 kept under this chapter;

35 (i) If the lobbyist's employer is an entity (including, but not
36 limited to, business and trade associations) whose members include, or

1 which as a representative entity undertakes lobbying activities for,
2 businesses, groups, associations, or organizations, the name and
3 address of each member of such entity or person represented by such
4 entity whose fees, dues, payments, or other consideration paid to such
5 entity during either of the prior two years have exceeded five hundred
6 dollars or who is obligated to or has agreed to pay fees, dues,
7 payments, or other consideration exceeding five hundred dollars to such
8 entity during the current year.

9 (2) Any lobbyist who receives or is to receive compensation from
10 more than one person for (~~his services as a lobbyist~~) lobbying shall
11 file a separate notice of representation (~~with respect to~~) for each
12 (~~such~~) person(~~;~~ ~~except that where a lobbyist whose fee for acting as~~
13 ~~such in respect to the same legislation or type of legislation is, or~~
14 ~~is to be, paid or contributed to by more than one person then such~~
15 ~~lobbyist may file a single statement, in which he shall detail the~~
16 ~~name, business address and occupation of each person so paying or~~
17 ~~contributing, and the amount of the respective payments or~~
18 ~~contributions made by each such person~~). However, if two or more
19 persons are jointly paying or contributing to the payment of the
20 lobbyist, the lobbyist may file a single statement detailing the name,
21 business address, and occupation of each person paying or contributing
22 and the respective amounts to be paid or contributed.

23 (3) Whenever a change, modification, or termination of the
24 lobbyist's employment occurs, the lobbyist shall(~~;~~) file with the
25 commission an amended registration statement within one week of
26 (~~such~~) the change, modification, or termination(~~;~~ ~~furnish full~~
27 ~~information regarding the same by filing with the commission an amended~~
28 ~~registration statement~~)).

29 (4) Each registered lobbyist (~~who has registered~~) shall file a
30 new registration statement, revised as appropriate, on the second
31 Monday in January of each odd-numbered year(~~;~~ ~~and~~). Failure to do so
32 (~~shall~~) terminates (~~his~~) the lobbyist's registration.

33 **Sec. 802.** RCW 42.17.155 and 1995 c 397 s 6 are each amended to
34 read as follows:

35 Each lobbyist shall at the time he or she registers submit to the
36 commission a recent photograph of himself or herself of a size and
37 format as determined by rule of the commission, together with the name

1 of the lobbyist's employer, the length of his or her employment as a
2 lobbyist before the legislature, a brief biographical description, and
3 any other information he or she may wish to submit not to exceed fifty
4 words in length. (~~Such~~) The photograph and information shall be
5 published by the commission at least biennially in a booklet form (~~by~~
6 ~~the commission~~) for distribution to legislators and the public.

7 **Sec. 803.** RCW 42.17.160 and 1998 c 55 s 3 are each amended to read
8 as follows:

9 The following persons and activities (~~shall be~~) are exempt from
10 registration and reporting under RCW 42.17.150, 42.17.170, and
11 42.17.200 (as recodified by this act):

12 (1) Persons who limit their lobbying activities to appearing before
13 public sessions of committees of the legislature, or public hearings of
14 state agencies;

15 (2) Activities by lobbyists or other persons whose participation
16 has been solicited by an agency under RCW 34.05.310(2);

17 (3) News or feature reporting activities and editorial comment by
18 working members of the press, radio, or television and the publication
19 or dissemination thereof by a newspaper, book publisher, regularly
20 published periodical, radio station, or television station;

21 (4) Persons who lobby without compensation or other consideration
22 for acting as a lobbyist(~~PROVIDED, Such~~), if the person makes no
23 expenditure for or on behalf of any member of the legislature or
24 elected official or public officer or employee of the state of
25 Washington in connection with such lobbying. The exemption contained
26 in this subsection is intended to permit and encourage citizens of this
27 state to lobby any legislator, public official, or state agency without
28 incurring any registration or reporting obligation provided they do not
29 exceed the limits stated above. Any person exempt under this
30 subsection (4) may at his or her option register and report under this
31 chapter;

32 (5) Persons who restrict their lobbying activities to no more than
33 four days or parts (~~thereof~~) of four days during any three-month
34 period and whose total expenditures during such three-month period for
35 or on behalf of any one or more members of the legislature or state
36 elected officials or public officers or employees of the state of
37 Washington in connection with such lobbying do not exceed twenty-five

1 dollars(~~(:—PROVIDED, That)~~). The commission shall (~~(promulgate~~
2 ~~regulations)~~) adopt rules to require disclosure by persons exempt under
3 this subsection or their employers or entities which sponsor or
4 coordinate the lobbying activities of such persons if it determines
5 that such regulations are necessary to prevent frustration of the
6 purposes of this chapter. Any person exempt under this subsection (5)
7 may at his or her option register and report under this chapter;
8 (6) The governor;
9 (7) The lieutenant governor;
10 (8) Except as provided by RCW 42.17.190(1) (as recodified by this
11 act), members of the legislature;
12 (9) Except as provided by RCW 42.17.190(1) (as recodified by this
13 act), persons employed by the legislature for the purpose of aiding in
14 the preparation or enactment of legislation or the performance of
15 legislative duties;
16 (10) Elected officials, and officers and employees of any agency
17 reporting under RCW 42.17.190(5) (as recodified by this act).

18 **Sec. 804.** RCW 42.17.170 and 1995 c 397 s 33 are each amended to
19 read as follows:

20 (1) Any lobbyist registered under RCW 42.17.150 (as recodified by
21 this act) and any person who lobbies shall file with the commission
22 (~~(periodic)~~) monthly reports of his or her lobbying activities (~~(signed~~
23 ~~by the lobbyist)~~). The reports shall be made in the form and manner
24 prescribed by the commission and must be signed by the lobbyist.
25 (~~(They shall be due monthly and)~~) The monthly report shall be filed
26 within fifteen days after the last day of the calendar month covered by
27 the report.

28 (2) (~~(Each such)~~) The monthly (~~(periodic)~~) report shall contain:
29 (a) The totals of all expenditures for lobbying activities made or
30 incurred by (~~(such)~~) the lobbyist or on behalf of (~~(such)~~) the lobbyist
31 by the lobbyist's employer during the period covered by the report.
32 (~~(Such)~~) Expenditure totals for lobbying activities shall be segregated
33 according to financial category, including compensation; food and
34 refreshments; living accommodations; advertising; travel;
35 contributions; and other expenses or services. Each individual
36 expenditure of more than twenty-five dollars for entertainment shall be
37 identified by date, place, amount, and the names of all persons (~~(in~~

1 ~~the group partaking in or of such)) taking part in the entertainment,~~
2 ~~along with the dollar amount attributable to each person, including~~
3 ~~((any portion thereof attributable to)) the lobbyist's ((participation~~
4 ~~therein, and shall include amounts actually expended on each person~~
5 ~~where calculable, or allocating any portion of the expenditure to~~
6 ~~individual participants.~~

7 ~~Notwithstanding the foregoing, lobbyists are not required to report~~
8 ~~the following:~~

9 ~~(i) Unreimbursed personal living and travel expenses not incurred~~
10 ~~directly for lobbying;~~

11 ~~(ii) Any expenses incurred for his or her own living~~
12 ~~accommodations;~~

13 ~~(iii) Any expenses incurred for his or her own travel to and from~~
14 ~~hearings of the legislature;~~

15 ~~(iv) Any expenses incurred for telephone, and any office expenses,~~
16 ~~including rent and salaries and wages paid for staff and secretarial~~
17 ~~assistance)) portion.~~

18 (b) In the case of a lobbyist employed by more than one employer,
19 the proportionate amount of ((~~such~~)) expenditures in each category
20 incurred on behalf of each of ((~~his~~)) the lobbyist's employers.

21 (c) An itemized listing of each ((~~such expenditure~~)) contribution
22 of money or of tangible or intangible personal property, whether
23 contributed by the lobbyist personally or delivered or transmitted by
24 the lobbyist, ((~~in the nature of a contribution of money or of tangible~~
25 ~~or intangible personal property~~)) to any candidate, elected official,
26 or officer or employee of any agency, or any political committee
27 supporting or opposing any ballot proposition, or for or on behalf of
28 any candidate, elected official, or officer or employee of any agency,
29 or any political committee supporting or opposing any ballot
30 proposition. All contributions made to, or for the benefit of, any
31 candidate, elected official, or officer or employee of any agency, or
32 any political committee supporting or opposing any ballot proposition
33 shall be identified by date, amount, and the name of the candidate,
34 elected official, or officer or employee of any agency, or any
35 political committee supporting or opposing any ballot proposition
36 receiving, or to be benefited by each such contribution.

37 (d) The subject matter of proposed legislation or other legislative
38 activity or rule((-)) making under chapter 34.05 RCW, the state

1 administrative procedure act, and the state agency considering the
2 same, which the lobbyist has been engaged in supporting or opposing
3 during the reporting period, unless exempt under RCW 42.17.160(2) (as
4 recodified by this act).

5 ~~((Such other information relevant to lobbying activities as the~~
6 ~~commission shall by rule prescribe. Information supporting such~~
7 ~~activities as are required to be reported is subject to audit by the~~
8 ~~commission.~~

9 ~~(f))~~ A listing of each payment for an item specified in RCW
10 42.52.150(5) in excess of fifty dollars and each item specified in RCW
11 42.52.010(~~((9))~~) (10) (d) and (f) made to a state elected official,
12 state officer, or state employee. Each item shall be identified by
13 recipient, date, and approximate value of the item.

14 ~~((g))~~ (f) The total expenditures ~~((made))~~ paid or incurred during
15 the reporting period by the lobbyist for lobbying purposes, whether
16 through or on behalf of a lobbyist or otherwise~~((.~~ ~~As used in this~~
17 ~~subsection, "expenditures" includes amounts paid or incurred during the~~
18 ~~reporting period)), for (i) political advertising as defined in RCW
19 42.17.020 (as recodified by this act); and (ii) public relations,
20 telemarketing, polling, or similar activities if ~~((such))~~ the
21 activities, directly or indirectly, are intended, designed, or
22 calculated to influence legislation or the adoption or rejection of a
23 rule, standard, or rate by an agency under the administrative procedure
24 act. The report shall specify the amount, the person to whom the
25 amount was paid, and a brief description of the activity.~~

26 (3) ~~((If a state elected official or a member of such an official's~~
27 ~~immediate family is identified by a lobbyist in such a report as having~~
28 ~~received from the lobbyist an item specified in RCW 42.52.150(5) or~~
29 ~~42.52.010(9) (d) or (f), the lobbyist shall transmit to the official a~~
30 ~~copy of the completed form used to identify the item in the report at~~
31 ~~the same time the report is filed with the commission)) Lobbyists are
32 not required to report the following:~~

33 (a) Unreimbursed personal living and travel expenses not incurred
34 directly for lobbying;

35 (b) Any expenses incurred for his or her own living accommodations;

36 (c) Any expenses incurred for his or her own travel to and from
37 hearings of the legislature;

1 (d) Any expenses incurred for telephone, and any office expenses,
2 including rent and salaries and wages paid for staff and secretarial
3 assistance.

4 (4) The commission may ~~((adopt rules to vary the content of~~
5 ~~lobbyist reports))~~, by rule, require additional information in lobbyist
6 reports, to address specific circumstances, consistent with this
7 section. Lobbyist reports are subject to audit by the commission.

8 **Sec. 805.** RCW 42.17.172 and 1993 c 2 s 32 are each amended to read
9 as follows:

10 (1) When a listing or a report of contributions is made to the
11 commission under RCW 42.17.170(2)(c) (as recodified by this act), a
12 copy of the listing or report must be given to the candidate, elected
13 official, professional staff member of the legislature, or officer or
14 employee of an agency, or a political committee supporting or opposing
15 a ballot proposition named in the listing or report.

16 (2) If a state elected official or a member of the official's
17 immediate family is identified by a lobbyist in a lobbyist report as
18 having received from the lobbyist an item specified in RCW 42.52.150(5)
19 or 42.52.010(10) (d) or (f), the lobbyist shall transmit to the
20 official a copy of the completed form used to identify the item in the
21 report at the same time the report is filed with the commission.

22 **Sec. 806.** RCW 42.17.175 and 2001 c 54 s 3 are each amended to read
23 as follows:

24 Any lobbyist registered under RCW 42.17.150 (as recodified by this
25 act), any person who lobbies, and any lobbyist's employer making a
26 contribution or an aggregate of contributions to a single entity that
27 is one thousand dollars or more during a special reporting period, as
28 specified in RCW 42.17.105 (as recodified by this act), before a
29 primary or general election(~~(, as such period is specified in RCW~~
30 ~~42.17.105(1),)~~) shall file one or more special reports (~~(for the~~
31 ~~contribution or aggregate of contributions and for subsequent~~
32 ~~contributions made during that period under the same circumstances)) in~~
33 the same manner and to the same extent that a contributing political
34 committee must file (~~(such a report or reports))~~ under RCW 42.17.105
35 (as recodified by this act). (~~(Such a special report shall be filed in~~

1 ~~the same manner provided under RCW 42.17.105 for a special report of a~~
2 ~~contributing political committee.))~~

3 **Sec. 807.** RCW 42.17.180 and 1993 c 2 s 27 are each amended to read
4 as follows:

5 (1) Every employer of a lobbyist registered under this chapter
6 during the preceding calendar year and every person other than an
7 individual that made contributions aggregating to more than ~~((ten))~~
8 fourteen thousand five hundred dollars or independent expenditures
9 aggregating to more than ~~((five))~~ seven hundred dollars during the
10 preceding calendar year shall file with the commission on or before the
11 last day of February of each year a statement disclosing for the
12 preceding calendar year the following information:

13 (a) The name of each state elected official and the name of each
14 candidate for state office who was elected to the office and any member
15 of the immediate family of those persons to whom the person reporting
16 has paid any compensation in the amount of ~~((five))~~ seven hundred
17 dollars or more during the preceding calendar year for personal
18 employment or professional services, including professional services
19 rendered by a corporation, partnership, joint venture, association,
20 union, or other entity in which the person holds any office,
21 directorship, or any general partnership interest, or an ownership
22 interest of ten percent or more, the value of the compensation in
23 accordance with the reporting provisions set out in RCW 42.17.241(2)
24 (as recodified by this act), and the consideration given or performed
25 in exchange for the compensation.

26 (b) The name of each state elected official, successful candidate
27 for state office, or members of his or her immediate family to whom the
28 person reporting made expenditures, directly or indirectly, either
29 through a lobbyist or otherwise, the amount of the expenditures and the
30 purpose for the expenditures. For the purposes of this subsection,
31 ~~((the term))~~ "expenditure" shall not include any expenditure made by
32 the employer in the ordinary course of business if the expenditure is
33 not made for the purpose of influencing, honoring, or benefiting the
34 elected official, successful candidate, or member of his immediate
35 family, as an elected official or candidate.

36 (c) The total expenditures made by the person reporting for

1 lobbying purposes, whether through or on behalf of a registered
2 lobbyist or otherwise.

3 (d) All contributions made to a political committee supporting or
4 opposing a candidate for state office, or to a political committee
5 supporting or opposing a statewide ballot proposition. Such
6 contributions shall be identified by the name and the address of the
7 recipient and the aggregate amount contributed to each such recipient.

8 (e) The name and address of each registered lobbyist employed by
9 the person reporting and the total expenditures made by ~~((such))~~ the
10 person reporting for each ~~((such))~~ lobbyist for lobbying purposes.

11 (f) The names, offices sought, and party affiliations of candidates
12 for state offices supported or opposed by independent expenditures of
13 the person reporting and the amount of each such expenditure.

14 (g) The identifying proposition number and a brief description of
15 any statewide ballot proposition supported or opposed by expenditures
16 not reported under (d) of this subsection and the amount of each such
17 expenditure.

18 (h) ~~((Such))~~ Any other information ~~((as))~~ the commission prescribes
19 by rule.

20 (2)(a) Except as provided in (b) of this subsection, an employer of
21 a lobbyist registered under this chapter shall file a special report
22 with the commission if the employer makes a contribution or
23 contributions aggregating more than one hundred dollars in a calendar
24 month to any one of the following: A candidate, elected official,
25 officer or employee of an agency, or political committee. The report
26 shall identify the date and amount of each such contribution and the
27 name of the candidate, elected official, agency officer or employee, or
28 political committee receiving the contribution or to be benefited by
29 the contribution. The report shall be filed on a form prescribed by
30 the commission and shall be filed within fifteen days after the last
31 day of the calendar month during which the contribution was made.

32 (b) The provisions of (a) of this subsection do not apply to a
33 contribution ~~((which))~~ that is made through a registered lobbyist and
34 reportable under RCW 42.17.170 (as recodified by this act).

35 **Sec. 808.** RCW 42.17.190 and 1995 c 397 s 7 are each amended to
36 read as follows:

37 (1) The house of representatives and the senate shall report

1 annually: The total budget; the portion of the total attributed to
2 staff; and the number of full-time and part-time staff positions by
3 assignment, with dollar figures as well as number of positions.

4 (2) Unless authorized by subsection (3) of this section or
5 otherwise expressly authorized by law, no public funds may be used
6 directly or indirectly for lobbying(~~(; PROVIDED)~~). However, this does
7 not prevent officers or employees of an agency from communicating with
8 a member of the legislature on the request of that member; or
9 communicating to the legislature, through the proper official channels,
10 requests for legislative action or appropriations (~~(which)~~) that are
11 deemed necessary for the efficient conduct of the public business or
12 actually made in the proper performance of their official duties(~~(; PROVIDED FURTHER, That)~~). This subsection does not apply to the
13 legislative branch.

14 (3) Any agency, not otherwise expressly authorized by law, may
15 expend public funds for lobbying, but such lobbying activity shall be
16 limited to (a) providing information or communicating on matters
17 pertaining to official agency business to any elected official or
18 officer or employee of any agency or (b) advocating the official
19 position or interests of the agency to any elected official or officer
20 or employee of any agency(~~(; PROVIDED, That)~~). Public funds may not
21 be expended as a direct or indirect gift or campaign contribution to
22 any elected official or officer or employee of any agency. For the
23 purposes of this subsection, (~~(the term)~~) "gift" means a voluntary
24 transfer of any thing of value without consideration of equal or
25 greater value, but does not include informational material transferred
26 for the sole purpose of informing the recipient about matters
27 pertaining to official agency business. This section does not permit
28 the printing of a state publication (~~(which)~~) that has been otherwise
29 prohibited by law.

30 (4) No elective official or any employee of his or her office or
31 any person appointed to or employed by any public office or agency may
32 use or authorize the use of any of the facilities of a public office or
33 agency, directly or indirectly, in any effort to support or oppose an
34 initiative to the legislature. "Facilities of a public office or
35 agency" has the same meaning as in RCW 42.17.130 (as recodified by this
36 act) and 42.52.180. The provisions of this subsection shall not apply
37 to the following activities:
38

1 (a) Action taken at an open public meeting by members of an elected
2 legislative body to express a collective decision, or to actually vote
3 upon a motion, proposal, resolution, order, or ordinance, or to support
4 or oppose an initiative to the legislature so long as (i) any required
5 notice of the meeting includes the title and number of the initiative
6 to the legislature, and (ii) members of the legislative body or members
7 of the public are afforded an approximately equal opportunity for the
8 expression of an opposing view;

9 (b) A statement by an elected official in support of or in
10 opposition to any initiative to the legislature at an open press
11 conference or in response to a specific inquiry;

12 (c) Activities (~~(which)~~) that are part of the normal and regular
13 conduct of the office or agency;

14 (d) Activities conducted regarding an initiative to the legislature
15 that would be permitted under RCW 42.17.130 (as recodified by this act)
16 and 42.52.180 if conducted regarding other ballot measures.

17 (5) Each state agency, county, city, town, municipal corporation,
18 quasi-municipal corporation, or special purpose district (~~(which)~~) that
19 expends public funds for lobbying shall file with the commission,
20 except as exempted by (d) of this subsection, quarterly statements
21 providing the following information for the quarter just completed:

22 (a) The name of the agency filing the statement;

23 (b) The name, title, and job description and salary of each elected
24 official, officer, or employee who lobbied, a general description of
25 the nature of the lobbying, and the proportionate amount of time spent
26 on the lobbying;

27 (c) A listing of expenditures incurred by the agency for lobbying
28 including but not limited to travel, consultant or other special
29 contractual services, and brochures and other publications, the
30 principal purpose of which is to influence legislation;

31 (d) For purposes of this subsection (~~(the term)~~), "lobbying" does
32 not include:

33 (i) Requests for appropriations by a state agency to the office of
34 financial management pursuant to chapter 43.88 RCW nor requests by the
35 office of financial management to the legislature for appropriations
36 other than its own agency budget requests;

37 (ii) Recommendations or reports to the legislature in response to

1 a legislative request expressly requesting or directing a specific
2 study, recommendation, or report by an agency on a particular subject;
3 (iii) Official reports including recommendations submitted to the
4 legislature on an annual or biennial basis by a state agency as
5 required by law;
6 (iv) Requests, recommendations, or other communication between or
7 within state agencies or between or within local agencies;
8 (v) Any other lobbying to the extent that it includes:
9 (A) Telephone conversations or preparation of written
10 correspondence;
11 (B) In-person lobbying on behalf of an agency of no more than four
12 days or parts thereof during any three-month period by officers or
13 employees of that agency and in-person lobbying by any elected official
14 of such agency on behalf of such agency or in connection with the
15 powers, duties, or compensation of such official(~~(+—PROVIDED, That)~~).
16 The total expenditures of nonpublic funds made in connection with such
17 lobbying for or on behalf of any one or more members of the legislature
18 or state elected officials or public officers or employees of the state
19 of Washington (~~(d)~~) may not exceed fifteen dollars for any three-month
20 period(~~(+—PROVIDED FURTHER, That)~~). The exemption under this
21 subsection (5)(d)(v)(B) is in addition to the exemption provided in
22 (d)(v)(A) of this subsection;
23 (C) Preparation or adoption of policy positions.
24 The statements shall be in the form and the manner prescribed by
25 the commission and shall be filed within one month after the end of the
26 quarter covered by the report.
27 (6) In lieu of reporting under subsection (5) of this section, any
28 county, city, town, municipal corporation, quasi municipal corporation,
29 or special purpose district may determine and so notify the public
30 disclosure commission(~~(7)~~) that elected officials, officers, or
31 employees who, on behalf of any such local agency, engage in lobbying
32 reportable under subsection (5) of this section shall register and
33 report such reportable lobbying in the same manner as a lobbyist who is
34 required to register and report under RCW 42.17.150 and 42.17.170 (as
35 recodified by this act). Each such local agency shall report as a
36 lobbyist employer pursuant to RCW 42.17.180 (as recodified by this
37 act).

1 (7) The provisions of this section do not relieve any elected
2 official or officer or employee of an agency from complying with other
3 provisions of this chapter, if such elected official, officer, or
4 employee is not otherwise exempted.

5 (8) The purpose of this section is to require each state agency and
6 certain local agencies to report the identities of those persons who
7 lobby on behalf of the agency for compensation, together with certain
8 separately identifiable and measurable expenditures of an agency's
9 funds for that purpose. This section shall be reasonably construed to
10 accomplish that purpose and not to require any agency to report any of
11 its general overhead cost or any other costs (~~(which)~~) that relate only
12 indirectly or incidentally to lobbying or (~~(which)~~) that are equally
13 attributable to or inseparable from nonlobbying activities of the
14 agency.

15 The public disclosure commission may adopt rules clarifying and
16 implementing this legislative interpretation and policy.

17 **Sec. 809.** RCW 42.17.200 and 1990 c 139 s 5 are each amended to
18 read as follows:

19 (1) Any person who has made expenditures, not reported by a
20 registered lobbyist under RCW 42.17.170 (as recodified by this act) or
21 by a candidate or political committee under RCW 42.17.065 or 42.17.080
22 (as recodified by this act), exceeding (~~(five hundred)~~) one thousand
23 dollars in the aggregate within any three-month period or exceeding
24 (~~(two)~~) five hundred dollars in the aggregate within any one-month
25 period in presenting a program (~~(addressed)~~) to the public, a
26 substantial portion of which is intended, designed, or calculated
27 primarily to influence legislation shall (~~(be required to)~~) register
28 and report, as provided in subsection (2) of this section, as a sponsor
29 of a grass roots lobbying campaign.

30 (2) Within thirty days after becoming a sponsor of a grass roots
31 lobbying campaign, the sponsor shall register by filing with the
32 commission a registration statement, in such detail as the commission
33 shall prescribe, showing:

34 (a) The sponsor's name, address, and business or occupation, and,
35 if the sponsor is not an individual, the names, addresses, and titles
36 of the controlling persons responsible for managing the sponsor's
37 affairs;

1 (b) The names, addresses, and business or occupation of all persons
2 organizing and managing the campaign, or hired to assist the campaign,
3 including any public relations or advertising firms participating in
4 the campaign, and the terms of compensation for all such persons;

5 (c) The names and addresses of each person contributing twenty-five
6 dollars or more to the campaign, and the aggregate amount contributed;

7 (d) The purpose of the campaign, including the specific
8 legislation, rules, rates, standards, or proposals that are the subject
9 matter of the campaign;

10 (e) The totals of all expenditures made or incurred to date on
11 behalf of the campaign(~~(, which totals shall be)~~) segregated according
12 to financial category, including but not limited to the following:
13 Advertising, segregated by media, and in the case of large expenditures
14 (as provided by rule of the commission), by outlet; contributions;
15 entertainment, including food and refreshments; office expenses
16 including rent and the salaries and wages paid for staff and
17 secretarial assistance, or the proportionate amount (~~(thereof)~~) paid or
18 incurred for lobbying campaign activities; consultants; and printing
19 and mailing expenses.

20 (3) Every sponsor who has registered under this section shall file
21 monthly reports with the commission(~~(, which reports shall be filed)~~)
22 by the tenth day of the month for the activity during the preceding
23 month. The reports shall update the information contained in the
24 sponsor's registration statement and in prior reports and shall show
25 contributions received and totals of expenditures made during the
26 month, in the same manner as provided for in the registration
27 statement.

28 (4) When the campaign has been terminated, the sponsor shall file
29 a notice of termination with the final monthly report(~~(, which~~
30 ~~notice)~~). The final report shall state the totals of all contributions
31 and expenditures made on behalf of the campaign, in the same manner as
32 provided for in the registration statement.

33 **Sec. 810.** RCW 42.17.210 and 1973 c 1 s 21 are each amended to read
34 as follows:

35 If any person registered or required to be registered as a lobbyist
36 (~~(under this chapter employs,)~~) or (~~(if)~~) any employer of any person
37 registered or required to be registered as a lobbyist (~~(under this~~

1 ~~chapter)), employs ((any)) a member or an employee of the legislature,~~
2 ~~((or any)) a member of ((any)) a state board or commission, ((or any~~
3 ~~employee of the legislature,)) or ((any)) a full-time state employee,~~
4 ~~((if such)) and that new employee ((shall)) remains in the partial~~
5 ~~employ of the state ((or any agency thereof, then)), the new employer~~
6 ~~((shall)) must file within fifteen days after employment a statement~~
7 ~~((under oath)) with the commission, signed under oath, setting out the~~
8 ~~nature of the employment, the name of the person ((to be paid~~
9 ~~thereunder)) employed, and the amount of pay or consideration ((to be~~
10 ~~paid thereunder. The statement shall be filed within fifteen days~~
11 ~~after the commencement of such employment)).~~

12 **Sec. 811.** RCW 42.17.220 and 1973 c 1 s 22 are each amended to read
13 as follows:

14 It ~~((shall be))~~ is a violation of this chapter for any person to
15 employ for pay or any consideration, or pay or agree to pay any
16 consideration to, a person to lobby who is not registered under this
17 chapter except upon the condition that such a person must register as
18 a lobbyist as provided by this chapter ~~((, and such person does in fact~~
19 ~~so register as soon as practicable)).~~

20 **Sec. 812.** RCW 42.17.230 and 1987 c 201 s 2 are each amended to
21 read as follows:

22 (1) A person required to register as a lobbyist under ~~((this~~
23 ~~chapter shall also have the following obligations, the violation of~~
24 ~~which shall constitute cause for revocation of his registration, and~~
25 ~~may subject such person, and such person's employer, if such employer~~
26 ~~aids, abets, ratifies, or confirms any such act, to other civil~~
27 ~~liabilities, as provided by this chapter:~~

28 ~~(1) Such persons shall obtain and preserve all))~~ RCW 42.17.150 (as
29 recodified by this act) shall substantiate financial reports required
30 to be made under this chapter with accounts, bills, receipts, books,
31 papers, and other necessary documents ((necessary to substantiate the
32 financial reports required to be made under this chapter)). All such
33 documents must be obtained and preserved for a period of at least five
34 years from the date of ~~((the))~~ filing ~~((of))~~ the statement containing
35 such items ~~((, which accounts, bills, receipts, books, papers, and~~
36 ~~documents))~~ and shall be made available for inspection by the

1 commission at any time(~~(: PROVIDED, That if a lobbyist is required~~
2 ~~under~~)). If the terms of ((his)) the lobbyist's employment contract
3 ((to turn any)) require that these records be turned over to his or her
4 employer, responsibility for the preservation and inspection of
5 ((such)) these records under this subsection shall ((rest)) be with
6 such employer.

7 (2) ~~((In addition,))~~ A person required to register as a lobbyist
8 under RCW 42.17.150 (as recodified by this act) shall not:

9 (a) Engage in any lobbying activity ~~((as a lobbyist))~~ before
10 registering as ~~((such))~~ a lobbyist;

11 (b) Knowingly deceive or attempt to deceive ~~((any))~~ a legislator
12 ~~((as to any fact))~~ regarding the facts pertaining to any pending or
13 proposed legislation;

14 (c) Cause or influence the introduction of ~~((any))~~ a bill or
15 amendment ((thereto)) to that bill for the purpose of ~~((thereafter))~~
16 later being employed to secure its defeat;

17 (d) Knowingly represent an interest adverse to ~~((any of))~~ his or
18 her employer((s)) without ((first)) full disclosure of the adverse
19 interest to the employer and obtaining ~~((such))~~ the employer's written
20 consent ((thereto after full disclosure to such employer of such
21 adverse interest));

22 (e) Exercise any undue influence, extortion, or unlawful
23 retaliation upon any legislator ~~((by reason of such))~~ due to the
24 legislator's position ((with respect to, or his vote upon,)) or vote on
25 any pending or proposed legislation;

26 (f) Enter into any agreement, arrangement, or understanding
27 ~~((according to which his or her))~~ in which any portion of his or her
28 compensation((, or any portion thereof,)) is or will be contingent upon
29 ~~((the))~~ his or her success ((of any attempt to influence)) in
30 influencing legislation.

31 (3) A violation by a lobbyist of this section shall be cause for
32 revocation of his or her registration, and may subject the lobbyist and
33 the lobbyist's employer, if the employer aids, abets, ratifies, or
34 confirms the violation, to other civil liabilities as provided by this
35 chapter.

36 **PART 9**

1 (8) For the purposes of this section, the term "executive state
2 officer" includes those listed in RCW 42.17.2401.

3 (9) This section does not apply to incumbents or candidates for a
4 federal office or the office of precinct committee officer.

5 **Sec. 902.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to
6 read as follows:

7 For the purposes of RCW 42.17.240 (as recodified by this act),
8 (~~the term~~) "executive state officer" includes:

9 (1) The chief administrative law judge, the director of
10 agriculture, the administrator of the Washington basic health plan, the
11 director of the department of services for the blind, the director of
12 the state system of community and technical colleges, the director of
13 community, trade, and economic development, the secretary of
14 corrections, the director of early learning, the director of ecology,
15 the commissioner of employment security, the chair of the energy
16 facility site evaluation council, the secretary of the state finance
17 committee, the director of financial management, the director of fish
18 and wildlife, the executive secretary of the forest practices appeals
19 board, the director of the gambling commission, the director of general
20 administration, the secretary of health, the administrator of the
21 Washington state health care authority, the executive secretary of the
22 health care facilities authority, the executive secretary of the higher
23 education facilities authority, the executive secretary of the horse
24 racing commission, the executive secretary of the human rights
25 commission, the executive secretary of the indeterminate sentence
26 review board, the director of the department of information services,
27 the director of the interagency committee for outdoor recreation, the
28 executive director of the state investment board, the director of labor
29 and industries, the director of licensing, the director of the lottery
30 commission, the director of the office of minority and women's business
31 enterprises, the director of parks and recreation, the director of
32 personnel, the executive director of the public disclosure commission,
33 the director of retirement systems, the director of revenue, the
34 secretary of social and health services, the chief of the Washington
35 state patrol, the executive secretary of the board of tax appeals, the
36 secretary of transportation, the secretary of the utilities and
37 transportation commission, the director of veterans affairs, the

1 president of each of the regional and state universities and the
2 president of The Evergreen State College, each district and each campus
3 president of each state community college;

4 (2) Each professional staff member of the office of the governor;

5 (3) Each professional staff member of the legislature; and

6 (4) Central Washington University board of trustees, board of
7 trustees of each community college, each member of the state board for
8 community and technical colleges, state convention and trade center
9 board of directors, committee for deferred compensation, Eastern
10 Washington University board of trustees, Washington economic
11 development finance authority, The Evergreen State College board of
12 trustees, executive ethics board, forest practices appeals board,
13 forest practices board, gambling commission, life sciences discovery
14 fund authority board of trustees, Washington health care facilities
15 authority, each member of the Washington health services commission,
16 higher education coordinating board, higher education facilities
17 authority, horse racing commission, state housing finance commission,
18 human rights commission, indeterminate sentence review board, board of
19 industrial insurance appeals, information services board, interagency
20 committee for outdoor recreation, state investment board, commission on
21 judicial conduct, legislative ethics board, liquor control board,
22 lottery commission, marine oversight board, Pacific Northwest electric
23 power and conservation planning council, parks and recreation
24 commission, (~~personnel appeals board,~~) board of pilotage
25 commissioners, pollution control hearings board, public disclosure
26 commission, public pension commission, shorelines hearing board, public
27 employees' benefits board, salmon recovery funding board, board of tax
28 appeals, transportation commission, University of Washington board of
29 regents, utilities and transportation commission, Washington state
30 maritime commission, Washington personnel resources board, Washington
31 public power supply system executive board, Washington State University
32 board of regents, Western Washington University board of trustees, and
33 fish and wildlife commission.

34 **Sec. 903.** RCW 42.17.241 and 1995 c 397 s 9 are each amended to
35 read as follows:

36 (1) The statement of financial affairs required by RCW 42.17.240

1 (as recodified by this act) shall disclose the following information
2 for the reporting individual and each member of his or her immediate
3 family:

4 (a) Occupation, name of employer, and business address; ~~((and))~~

5 (b) Each bank ~~((or))~~ account, savings account ~~((or))~~, and insurance
6 policy in which ~~((any such person or persons owned))~~ a direct financial
7 interest ~~((that exceeded five))~~ was held that exceeds fifteen thousand
8 dollars at any time during the reporting period; each other item of
9 intangible personal property in which ~~((any such person or persons~~
10 ~~owned))~~ a direct financial interest ~~((, the value of which exceeded))~~
11 was held that exceeds one thousand five hundred dollars during the
12 reporting period; the name, address, and nature of the entity; and the
13 nature and highest value of each ~~((such))~~ direct financial interest
14 during the reporting period; ~~((and))~~

15 (c) The name and address of each creditor to whom the value of one
16 thousand five hundred dollars or more was owed; the original amount of
17 each debt to each ~~((such))~~ creditor; the amount of each debt owed to
18 each creditor as of the date of filing; the terms of repayment of each
19 ~~((such))~~ debt; and the security given, if any, for each ~~((such))~~
20 debt ~~((: PROVIDED, That))~~. Debts arising ~~((out of))~~ from a "retail
21 installment transaction" as defined in chapter 63.14 RCW (retail
22 installment sales act) need not be reported; ~~((and))~~

23 (d) Every public or private office, directorship, and position held
24 as trustee; ~~((and))~~

25 (e) All persons for whom any legislation, rule, rate, or standard
26 has been prepared, promoted, or opposed for current or deferred
27 compensation ~~((: PROVIDED, That))~~. For the purposes of this
28 subsection, "compensation" does not include payments made to the person
29 reporting by the governmental entity for which ~~((such))~~ the person
30 serves as an elected official or state executive officer or
31 professional staff member for his or her service in office; the
32 description of such actual or proposed legislation, rules, rates, or
33 standards; and the amount of current or deferred compensation paid or
34 promised to be paid; ~~((and))~~

35 (f) The name and address of each governmental entity, corporation,
36 partnership, joint venture, sole proprietorship, association, union, or
37 other business or commercial entity from whom compensation has been

1 received in any form of a total value of one thousand five hundred
2 dollars or more; the value of the compensation; and the consideration
3 given or performed in exchange for the compensation; (~~and~~)

4 (g) The name of any corporation, partnership, joint venture,
5 association, union, or other entity in which is held any office,
6 directorship, or any general partnership interest, or an ownership
7 interest of ten percent or more; the name or title of that office,
8 directorship, or partnership; the nature of ownership interest; and
9 (~~with respect to each such entity~~): (i) With respect to a
10 governmental unit in which the official seeks or holds any office or
11 position, if the entity has received compensation in any form during
12 the preceding twelve months from the governmental unit, the value of
13 the compensation and the consideration given or performed in exchange
14 for the compensation; and (ii) the name of each governmental unit,
15 corporation, partnership, joint venture, sole proprietorship,
16 association, union, or other business or commercial entity from which
17 the entity has received compensation in any form in the amount of
18 (~~two~~) seven thousand five hundred dollars or more during the
19 preceding twelve months and the consideration given or performed in
20 exchange for the compensation(~~(: PROVIDED, That the term)~~). As used
21 in (g)(ii) of this subsection, "compensation" (~~for purposes of this~~
22 ~~subsection (1)(g)(ii)~~) does not include payment for water and other
23 utility services at rates approved by the Washington state utilities
24 and transportation commission or the legislative authority of the
25 public entity providing the service(~~(: PROVIDED, FURTHER, That)~~).
26 With respect to any bank or commercial lending institution in which is
27 held any office, directorship, partnership interest, or ownership
28 interest, it shall only be necessary to report either the name,
29 address, and occupation of every director and officer of the bank or
30 commercial lending institution and the average monthly balance of each
31 account held during the preceding twelve months by the bank or
32 commercial lending institution from the governmental entity for which
33 the individual is an official or candidate or professional staff
34 member, or all interest paid by a borrower on loans from and all
35 interest paid to a depositor by the bank or commercial lending
36 institution if the interest exceeds (~~six~~) one thousand eight hundred
37 dollars; (~~and~~)

1 (h) A list, including legal or other sufficient descriptions as
2 prescribed by the commission, of all real property in the state of
3 Washington, the assessed valuation of which exceeds ~~((two))~~ seven
4 thousand five hundred dollars in which any direct financial interest
5 was acquired during the preceding calendar year, and a statement of the
6 amount and nature of the financial interest and of the consideration
7 given in exchange for that interest; ~~((and))~~

8 (i) A list, including legal or other sufficient descriptions as
9 prescribed by the commission, of all real property in the state of
10 Washington, the assessed valuation of which exceeds ~~((two))~~ seven
11 thousand five hundred dollars in which any direct financial interest
12 was divested during the preceding calendar year, and a statement of the
13 amount and nature of the consideration received in exchange for that
14 interest, and the name and address of the person furnishing the
15 consideration; ~~((and))~~

16 (j) A list, including legal or other sufficient descriptions as
17 prescribed by the commission, of all real property in the state of
18 Washington, the assessed valuation of which exceeds ~~((two))~~ seven
19 thousand five hundred dollars in which a direct financial interest was
20 held(~~:- PROVIDED, That~~). If a description of the property has been
21 included in a report previously filed, the property may be listed, for
22 purposes of this ~~((provision))~~ subsection (1)(j), by reference to the
23 previously filed report; ~~((and))~~

24 (k) A list, including legal or other sufficient descriptions as
25 prescribed by the commission, of all real property in the state of
26 Washington, the assessed valuation of which exceeds ~~((five))~~ fifteen
27 thousand dollars, in which a corporation, partnership, firm,
28 enterprise, or other entity had a direct financial interest, in which
29 corporation, partnership, firm, or enterprise a ten percent or greater
30 ownership interest was held; ~~((and))~~

31 (l) A list of each occasion, specifying date, donor, and amount, at
32 which food and beverage in excess of fifty dollars was accepted under
33 RCW 42.52.150(5); ~~((+and+))~~

34 (m) A list of each occasion, specifying date, donor, and amount, at
35 which items specified in RCW 42.52.010~~((+9+))~~ (10) (d) and (f) were
36 accepted; ~~((+and+))~~ and

37 (n) Such other information as the commission may deem necessary in

1 order to properly carry out the purposes and policies of this chapter,
2 as the commission shall prescribe by rule.

3 (2) Where an amount is required to be reported under subsection
4 (1)(a) through (m) of this section, it shall be sufficient to comply
5 with the requirement to report whether the amount is less than (~~one~~)
6 three thousand dollars, at least (~~one~~) three thousand dollars but
7 less than (~~five~~) fifteen thousand dollars, at least (~~five~~) fifteen
8 thousand dollars but less than (~~ten~~) thirty thousand dollars, at
9 least (~~ten~~) thirty thousand dollars but less than (~~twenty-five~~)
10 seventy-five thousand dollars, or (~~twenty-five~~) seventy-five thousand
11 dollars or more. An amount of stock may be reported by number of
12 shares instead of by market value. No provision of this subsection may
13 be interpreted to prevent any person from filing more information or
14 more detailed information than required.

15 (3) Items of value given to an official's or employee's spouse or
16 family member are attributable to the official or employee, except the
17 item is not attributable if an independent business, family, or social
18 relationship exists between the donor and the spouse or family member.

19 **Sec. 904.** RCW 42.17.242 and 1977 ex.s. c 336 s 4 are each amended
20 to read as follows:

21 No payment shall be made to any person required to report under RCW
22 42.17.240 (as recodified by this act) and no payment shall be accepted
23 by any such person, directly or indirectly, in a fictitious name,
24 anonymously, or by one person through an agent, relative, or other
25 person in such a manner as to conceal the identity of the source of the
26 payment or in any other manner so as to effect concealment (~~except~~
27 ~~that~~). The commission may issue categorical and specific exemptions
28 to the reporting of the actual source when there is an undisclosed
29 principal for recognized legitimate business purposes.

30 **PART 10**
31 **ENFORCEMENT**

32 **Sec. 1001.** RCW 42.17.390 and 2006 c 315 s 2 are each amended to
33 read as follows:

34 One or more of the following civil remedies and sanctions may be

1 imposed by court order in addition to any other remedies provided by
2 law:

3 (1) If the court finds that the violation of any provision of this
4 chapter by any candidate or political committee probably affected the
5 outcome of any election, the result of ~~((said))~~ that election may be
6 held void and a special election held within sixty days of ~~((such))~~ the
7 finding. Any action to void an election shall be commenced within one
8 year of the date of the election in question. It is intended that this
9 remedy be imposed freely in all appropriate cases to protect the right
10 of the electorate to an informed and knowledgeable vote.

11 (2) If any lobbyist or sponsor of any grass roots lobbying campaign
12 violates any of the provisions of this chapter, his or her registration
13 may be revoked or suspended and he or she may be enjoined from
14 receiving compensation or making expenditures for lobbying(~~(+~~
15 ~~PROVIDED, HOWEVER, That~~)). The imposition of ~~((such))~~ a sanction shall
16 not excuse ~~((said))~~ the lobbyist from filing statements and reports
17 required by this chapter.

18 (3) ~~((Any))~~ A person who violates any of the provisions of this
19 chapter may be subject to a civil penalty of not more than ten thousand
20 dollars for each ~~((such))~~ violation. However, a person or entity who
21 violates RCW 42.17.640 (as recodified by this act) may be subject to a
22 civil penalty of ten thousand dollars or three times the amount of the
23 contribution illegally made or accepted, whichever is greater.

24 (4) ~~((Any))~~ A person who fails to file a properly completed
25 statement or report within the time required by this chapter may be
26 subject to a civil penalty of ten dollars per day for each day each
27 ~~((such))~~ delinquency continues.

28 (5) ~~((Any))~~ A person who fails to report a contribution or
29 expenditure as required by this chapter may be subject to a civil
30 penalty equivalent to the amount not reported as required.

31 (6) The court may enjoin any person to prevent the doing of any act
32 herein prohibited, or to compel the performance of any act required
33 herein.

34 **Sec. 1002.** RCW 42.17.395 and 2006 c 315 s 3 are each amended to
35 read as follows:

36 (1) The commission may (a) determine whether an actual violation of

1 this chapter has occurred; and (b) issue and enforce an appropriate
2 order following such a determination.

3 (2) The commission, in cases where it chooses to determine whether
4 an actual violation has occurred, shall hold a hearing pursuant to the
5 administrative procedure act, chapter 34.05 RCW, to make ~~((such))~~ a
6 determination. Any order that the commission issues under this section
7 shall be pursuant to such a hearing.

8 (3) In lieu of holding a hearing or issuing an order under this
9 section, the commission may refer the matter to the attorney general or
10 other enforcement agency as provided in RCW 42.17.360 (as recodified by
11 this act).

12 (4) The person against whom an order is directed under this section
13 shall be designated as the respondent. The order may require the
14 respondent to cease and desist from the activity that constitutes a
15 violation and in addition, or alternatively, may impose one or more of
16 the remedies provided in RCW 42.17.390 (2) through (5) (as recodified
17 by this act). No individual penalty assessed by the commission may
18 exceed one thousand seven hundred dollars, and in any case where
19 multiple violations are involved in a single complaint or hearing, the
20 maximum aggregate penalty may not exceed four thousand two hundred
21 dollars.

22 (5) An order issued by the commission under this section shall be
23 subject to judicial review under the administrative procedure act,
24 chapter 34.05 RCW. If the commission's order is not satisfied and no
25 petition for review is filed within thirty days ~~((as provided in RCW~~
26 ~~34.05.542))~~, the commission may petition a court of competent
27 jurisdiction of any county in which a petition for review could be
28 filed under that section, for an order of enforcement. Proceedings in
29 connection with the commission's petition shall be in accordance with
30 RCW 42.17.397 (as recodified by this act).

31 **Sec. 1003.** RCW 42.17.397 and 1989 c 175 s 92 are each amended to
32 read as follows:

33 The following procedure shall apply in all cases where the
34 commission has petitioned a court of competent jurisdiction for
35 enforcement of any order it has issued pursuant to this chapter:

36 (1) A copy of the petition shall be served by certified mail
37 directed to the respondent at his or her last known address. The court

1 shall issue an order directing the respondent to appear at a time
2 designated in the order, not less than five days from the date thereof,
3 and show cause why the commission's order should not be enforced
4 according to its terms.

5 (2) The commission's order shall be enforced by the court if the
6 respondent does not appear, or if the respondent appears and the court
7 finds, pursuant to a hearing held for that purpose:

8 (a) That the commission's order is unsatisfied; (~~and~~)

9 (b) That the order is regular on its face; and

10 (c) That the respondent's answer discloses no valid reason why the
11 commission's order should not be enforced or that the respondent had an
12 appropriate remedy by review under RCW 34.05.570(3) and failed to avail
13 himself or herself of that remedy without valid excuse.

14 (3) Upon appropriate application by the respondent, the court may,
15 after hearing and for good cause, alter, amend, revise, suspend, or
16 postpone all or part of the commission's order. In any case where the
17 order is not enforced by the court according to its terms, the reasons
18 for the court's actions shall be clearly stated in writing, and
19 (~~such~~) the action shall be subject to review by the appellate courts
20 by certiorari or other appropriate proceeding.

21 (4) The court's order of enforcement, when entered, shall have the
22 same force and effect as a civil judgment.

23 (5) Notwithstanding RCW 34.05.578 through 34.05.590, this section
24 is the exclusive method for enforcing an order of the commission.

25 **Sec. 1004.** RCW 42.17.400 and 1975 1st ex.s. c 294 s 27 are each
26 amended to read as follows:

27 (1) The attorney general and the prosecuting authorities of
28 political subdivisions of this state may bring civil actions in the
29 name of the state for any appropriate civil remedy, including but not
30 limited to the special remedies provided in RCW 42.17.390 (as
31 recodified by this act).

32 (2) The attorney general and the prosecuting authorities of
33 political subdivisions of this state may investigate or cause to be
34 investigated the activities of any person who there is reason to
35 believe is or has been acting in violation of this chapter, and may
36 require any such person or any other person reasonably believed to have
37 information concerning the activities of such person to appear at a

1 time and place designated in the county in which such person resides or
2 is found, to give such information under oath and to produce all
3 accounts, bills, receipts, books, paper and documents which may be
4 relevant or material to any investigation authorized under this
5 chapter.

6 (3) When the attorney general or the prosecuting authority of any
7 political subdivision of this state requires the attendance of any
8 person to obtain such information or (~~the production of~~) produce the
9 accounts, bills, receipts, books, papers, and documents (~~which~~) that
10 may be relevant or material to any investigation authorized under this
11 chapter, he or she shall issue an order setting forth the time when and
12 the place where attendance is required and shall cause the same to be
13 delivered to or sent by registered mail to the person at least fourteen
14 days before the date fixed for attendance. (~~Such~~) The order shall
15 have the same force and effect as a subpoena, shall be effective
16 statewide, and, upon application of the attorney general or (~~said~~)
17 the prosecuting authority, obedience to the order may be enforced by
18 any superior court judge in the county where the person receiving it
19 resides or is found, in the same manner as though the order were a
20 subpoena. The court, after hearing, for good cause, and upon
21 application of any person aggrieved by the order, shall have the right
22 to alter, amend, revise, suspend, or postpone all or any part of its
23 provisions. In any case where the order is not enforced by the court
24 according to its terms, the reasons for the court's actions shall be
25 clearly stated in writing, and (~~such~~) the action shall be subject to
26 review by the appellate courts by certiorari or other appropriate
27 proceeding.

28 (4) (~~Any~~) A person who has notified the attorney general and the
29 prosecuting attorney in the county in which the violation occurred in
30 writing that there is reason to believe that some provision of this
31 chapter is being or has been violated may himself or herself bring in
32 the name of the state any of the actions (hereinafter referred to as a
33 citizen's action) authorized under this chapter. This citizen action
34 may be brought only if the attorney general and the prosecuting
35 attorney have failed to commence an action hereunder within forty-five
36 days after (~~such~~) the notice and (~~such~~) the person has thereafter
37 further notified the attorney general and prosecuting attorney that
38 (~~said~~) the person will commence a citizen's action within ten days

1 upon their failure (~~se~~) to do so, and the attorney general and the
2 prosecuting attorney have in fact failed to bring such an action within
3 ten days of receipt of (~~said~~) the second notice. If the person who
4 brings the citizen's action prevails, the judgment awarded shall
5 escheat to the state, but he or she shall be entitled to be reimbursed
6 by the state of Washington for costs and (~~attorney's~~) attorneys' fees
7 he or she has incurred(~~(:—PROVIDED, That))~~). In the case of a
8 citizen's action (~~(which))~~ that is dismissed and (~~(which))~~ that the
9 court also finds was brought without reasonable cause, the court may
10 order the person commencing the action to pay all costs of trial and
11 reasonable (~~attorney's~~) attorneys' fees incurred by the defendant.

12 (5) In any action brought under this section, the court may award
13 to the state all costs of investigation and trial, including (~~(a))~~
14 reasonable (~~attorney's~~) attorneys' fees to be fixed by the court. If
15 the violation is found to have been intentional, the amount of the
16 judgment, which shall for this purpose include the costs, may be
17 trebled as punitive damages. If damages or trebled damages are awarded
18 in such an action brought against a lobbyist, the judgment may be
19 awarded against the lobbyist, and the lobbyist's employer or employers
20 joined as defendants, jointly, severally, or both. If the defendant
21 prevails, he or she shall be awarded all costs of trial, and may be
22 awarded (~~(a))~~ reasonable (~~attorney's~~) attorneys' fees to be fixed by
23 the court to be paid by the state of Washington.

24 NEW SECTION. Sec. 1005. A new section is added to chapter 42.56
25 RCW to read as follows:

26 (1) "Public record" includes any writing containing information
27 relating to the conduct of government or the performance of any
28 governmental or proprietary function prepared, owned, used, or retained
29 by any state or local agency regardless of physical form or
30 characteristics. For the office of the secretary of the senate and the
31 office of the chief clerk of the house of representatives, "public
32 records" means legislative records as defined in RCW 40.14.100 and also
33 means the following: All budget and financial records; personnel
34 leave, travel, and payroll records; records of legislative sessions;
35 reports submitted to the legislature; and any other record designated
36 a public record by any official action of the senate or the house of
37 representatives.

1 (2) "Writing" means handwriting, typewriting, printing,
2 photostating, photographing, and every other means of recording any
3 form of communication or representation, including, but not limited to,
4 letters, words, pictures, sounds, or symbols, or combination thereof,
5 and all papers, maps, magnetic or paper tapes, photographic films and
6 prints, motion picture, film and video recordings, magnetic or punched
7 cards, discs, drums, diskettes, sound recordings, and other documents
8 including existing data compilations from which information may be
9 obtained or translated.

10 **PART 11**

11 **MISCELLANEOUS PROVISIONS**

12 NEW SECTION. **Sec. 1101.** When RCW 42.17.020 (as recodified by this
13 act) is codified, the code reviser shall alphabetize and renumber the
14 definitions.

15 NEW SECTION. **Sec. 1102.** When RCW 42.17.2401 (as recodified by
16 this act) is codified, the code reviser shall arrange the names of the
17 agencies in each subsection in alphabetical order, arranged according
18 to the first distinctive word of each agency's name.

19 NEW SECTION. **Sec. 1103.** PART HEADINGS AND CAPTIONS NOT LAW. Part
20 headings and captions used in this act are not any part of the law.

21 NEW SECTION. **Sec. 1104.** The following sections are recodified as
22 a new chapter in Title 42 RCW, to be codified as chapter 42.17A RCW, in
23 the following order with the following subchapter headings:

- 24 GENERAL PROVISIONS
- 25 RCW 42.17.010
- 26 RCW 42.17.035
- 27 RCW 42.17.020
- 28 ELECTRONIC ACCESS
- 29 RCW 42.17.367
- 30 RCW 42.17.369
- 31 RCW 42.17.460
- 32 RCW 42.17.461
- 33 RCW 42.17.463

1 ADMINISTRATION
2 RCW 42.17.350
3 RCW 42.17.360
4 RCW 42.17.370
5 Section 304 of this act
6 RCW 42.17.690
7 RCW 42.17.375
8 RCW 42.17.380
9 RCW 42.17.405
10 RCW 42.17.420
11 RCW 42.17.430
12 RCW 42.17.450
13 CAMPAIGN FINANCE REPORTING
14 RCW 42.17.030
15 RCW 42.17.040
16 RCW 42.17.050
17 Section 404 of this act
18 RCW 42.17.060
19 RCW 42.17.065
20 RCW 42.17.067
21 RCW 42.17.080
22 RCW 42.17.090
23 RCW 42.17.3691
24 RCW 42.17.093
25 RCW 42.17.100
26 RCW 42.17.103
27 RCW 42.17.105
28 RCW 42.17.550
29 RCW 42.17.561
30 RCW 42.17.565
31 RCW 42.17.570
32 RCW 42.17.575
33 RCW 42.17.135
34 POLITICAL ADVERTISING AND ELECTIONEERING COMMUNICATIONS
35 RCW 42.17.510
36 RCW 42.17.520
37 RCW 42.17.530
38 RCW 42.17.540

1 RCW 42.17.110
2 CAMPAIGN CONTRIBUTION LIMITS AND OTHER RESTRICTIONS
3 RCW 42.17.610
4 RCW 42.17.640
5 RCW 42.17.645
6 RCW 42.17.700
7 Section 603 of this act
8 RCW 42.17.070
9 RCW 42.17.095
10 RCW 42.17.120
11 Section 606 of this act
12 RCW 42.17.125
13 RCW 42.17.650
14 RCW 42.17.660
15 RCW 42.17.670
16 RCW 42.17.720
17 RCW 42.17.730
18 RCW 42.17.740
19 RCW 42.17.770
20 RCW 42.17.780
21 RCW 42.17.790
22 RCW 42.17.680
23 RCW 42.17.760
24 PUBLIC OFFICIALS, EMPLOYEES, AND AGENCIES CAMPAIGN RESTRICTIONS AND
25 PROHIBITIONS--REPORTING
26 RCW 42.17.128
27 RCW 42.17.130
28 RCW 42.17.710
29 RCW 42.17.750
30 RCW 42.17.245
31 LOBBYING DISCLOSURE AND RESTRICTIONS
32 RCW 42.17.150
33 RCW 42.17.155
34 RCW 42.17.160
35 RCW 42.17.170
36 RCW 42.17.172
37 RCW 42.17.175
38 RCW 42.17.180

1 RCW 42.17.190
2 RCW 42.17.200
3 RCW 42.17.210
4 RCW 42.17.220
5 RCW 42.17.230
6 PERSONAL FINANCIAL AFFAIRS REPORTING BY CANDIDATES AND PUBLIC OFFICIALS
7 RCW 42.17.240
8 RCW 42.17.2401
9 RCW 42.17.241
10 RCW 42.17.242
11 ENFORCEMENT
12 RCW 42.17.390
13 RCW 42.17.395
14 RCW 42.17.397
15 RCW 42.17.400
16 RCW 42.17.410
17 TECHNICAL PROVISIONS
18 RCW 42.17.900
19 RCW 42.17.910
20 RCW 42.17.911
21 RCW 42.17.912
22 RCW 42.17.920
23 RCW 42.17.930
24 RCW 42.17.940
25 RCW 42.17.945
26 RCW 42.17.950
27 RCW 42.17.955
28 RCW 42.17.960
29 RCW 42.17.961
30 RCW 42.17.962
31 RCW 42.17.963
32 RCW 42.17.964
33 RCW 42.17.965
34 RCW 42.17.966

35 NEW SECTION. **Sec. 1105.** The following acts or parts of acts are
36 each repealed:

- 1 (1) RCW 42.17.131 (Exemption from RCW 42.17.130) and 1994 c 154 s
2 317;
- 3 (2) RCW 42.17.362 (Toll-free telephone number) and 2000 c 237 s 6;
- 4 (3) RCW 42.17.365 (Audits and investigations) and 1999 c 401 s 8 &
5 1993 c 2 s 29;
- 6 (4) RCW 42.17.440 (Statements and reports public records) and 1973
7 c 1 s 44;
- 8 (5) RCW 42.17.465 (Information technology plan--Contents) and 1999
9 c 401 s 4;
- 10 (6) RCW 42.17.467 (Information technology plan--Consultation) and
11 1999 c 401 s 5;
- 12 (7) RCW 42.17.469 (Information technology plan--Submission) and
13 1999 c 401 s 6;
- 14 (8) RCW 42.17.471 (Access performance reports) and 1999 c 401 s 7;
- 15 (9) RCW 42.17.562 (Intent) and 2005 c 445 s 2;
- 16 (10) RCW 42.17.620 (Intent) and 1993 c 2 s 2; and
- 17 (11) RCW 42.17.647 (Rules) and 2006 c 348 s 3.

18 NEW SECTION. **Sec. 1106.** This act takes effect July 1, 2008.

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